MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

December 21, 2022

VIA EFILING ONLY
Shari Moore
City Clerk
City of St. Paul
310 City Hall
15 W Kellogg Blvd
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 71-6020-38398

Dear City Clerk Moore:

Enclosed and served upon you is the Administrative Law Judge's **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** in the above-entitled matter. The official record, along with a copy of the recording of the hearing, is also enclosed. Please note that Exhibits 24-27 are contained on a flash drive that will be mailed under separate cover. The Office of Administrative Hearings' file in this matter is now closed.

If you have any questions, please contact me at (651) 361-7943, dara.xiong@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

DARA XIONG
Legal Assistant

Enclosure

cc: Docket Coordinator
Therese Skarda
A.L. Brown

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MN 55164-0620

CERTIFICATE OF SERVICE

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul	OAH Docket No.: 71-6020-38398

On December 21, 2022, a true and correct copy of the **FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION** was served by United States mail, unless otherwise indicated below, addressed to the following:

VIA EFILING ONLY
Shari Moore
City Clerk
City of St. Paul
310 City Hall
15 W Kellogg Blvd
Saint Paul, MN 55102
cityclerk@ci.stpaul.mn.us

VIA EMAIL ONLY
Therese Skarda
Assistant City Attorney
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

VIA EMAIL ONLY
A.L. Brown
Capitol City Law Group, LLC
287 E Sixth St Ste 20
Saint Paul, MN 55101
A.L.Brown@cclawg.com

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area – Patio and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATION

This matter came before Administrative Law Judge Jessica A. Palmer-Denig for a hearing on August 15 and 16, 2022, held at the Office of Administrative Hearings in St. Paul, Minnesota. The record closed upon the filing of the parties' final submission on October 5, 2022.[1]

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City) Department of Safety and Inspections (DSI). A.L. Brown, Capitol City Law Group, LLC, appeared on behalf of Randall Johnson, RJMP Group, Inc. (RJMP Group) d/b/a Billy's On Grand (Billy's) acting through DWD Group, LLC (DWD Group) and Wesley Spearman (collectively, Licensee).

STATEMENT OF THE ISSUES

1. Has DSI established by a preponderance of the evidence that Licensee violated the St. Paul Legislative Code and the conditions of its licenses by:

   a. Allowing customers to leave the premises with alcoholic beverages on March 5, 2022;

   b. Failing to provide access to and a copy of video footage of the premises in response to a request from a St. Paul Police Department (SPPD) officer on March 13, 2022;

[1] The parties filed written closing arguments and responses to public comments on October 3, 2022. The parties were permitted to file responsive closing arguments by October 7, 2022. *See* Amended Post-Hearing Schedule Order (Sept. 22, 2022). On October 5, 2022, the parties submitted a letter waiving the opportunity to make an additional filing because they believed that their arguments had been sufficiently addressed in their initial briefs. See Letter from A.L. Brown and Therese A. Skarda to the Administrative Law Judge (Oct. 5, 2022). The record closed upon receipt of the parties' letter.

c. Failing to maintain surveillance cameras and provide complete video footage related to an incident on March 18, 2022, in response to a request made by DSI; and

d. Failing to maintain the licensed premises in a manner that provides a safe environment for patrons and the public.

2. If so, may the City impose a matrix penalty of $1,000?

SUMMARY OF RECOMMENDATION

The Administrative Law Judge concludes that DSI has not established by a preponderance of the evidence that patrons were permitted to leave the licensed premises with alcoholic beverages on March 5, 2022. DSI has established that Licensee failed to provide all video camera footage and a copy of footage to an SPPD officer on March 13, 2022, and failed to provide complete video camera footage to DSI related to an incident that occurred on March 18, 2022, in violation of applicable licensing conditions. The Administrative Law Judge also concludes that Licensee has failed to operate in a manner that provides a safe environment for patrons and the public, in violation of the St. Paul Legislative Code. As these are Licensee's second instance of licensing violations within one year, the City may impose a penalty of $1,000 related to this conduct.

Based on the evidence in the hearing record, the Administrative Law Judge makes the following:

FINDINGS OF FACT

I. The Parties

1. DSI is the agency with licensing authority over various businesses operating within the City.[2] DSI engages in investigative work related to its licensing responsibilities.[3] This investigative work is "complaint based," meaning that staff review and take action based on complaints DSI receives about licensed businesses.[4] Eric Hudak is DSI's Licensing Manager.[5] Sergeant Charles Graupman is an officer with the SPPD who is assigned as a liaison to DSI.[6]

2. Billy's is a restaurant and bar located at 857 Grand Avenue in St. Paul, Minnesota.[7] At this time, 857 Grand Avenue houses three other businesses besides Billy's.[8]

[2] Testimony (Test.) of Eric Hudak.
[3] *Id.*
[4] *Id.*
[5] *Id.*
[6] Test. of Charles Graupman.
[7] *Id.*; Test. of William Wengler.
[8] Test. of W. Wengler.

3. The building where Billy's is located is owned by East Mall Associates and the responsible party for that entity is William Wengler.[9] Mr. Wengler is the prior owner of Billy's, and he operated the business for 35 years.[10]

4. Billy's operates under several licenses issued and regulated by DSI:

- Liquor on Sale-291 of More Seats;[11]
- Liquor on Sale-Sunday;
- Liquor on Sale 2AM Closing;
- Liquor Outdoor Service Area-Patio; and
- Entertainment B.[12]

5. The current licenses were issued around June of 2020.[13] The licensee for these licenses is RJMP Group, which is owned by Randall Johnson and Matthew Prendergast.[14] Mr. Johnson was usually DSI's contact regarding the license in the past.[15]

6. RJMP Group entered into a management agreement with DWD Group in approximately April or May of 2021, through which DWD Group now operates Billy's.[16] DWD Group began its operation of Billy's on May 28, 2021.[17] DWD Group continues to operate Billy's under the license issued to RJMP Group while it seeks a license of its own.[18]

7. Wesley Spearman is one of the owners of DWD Group.[19] During the time DWD Group has operated Billy's, Mr. Spearman has been DSI's primary contact.[20] Mr. Hudak has had numerous contacts with Mr. Spearman and has found Mr. Spearman to be responsive and cooperative.[21]

---

[9] Ex. 6-1; Test. of W. Wengler; Test. of E. Hudak.
[10] Test. of W. Wengler.
[11] The designation "on-sale" means the sale of liquor by the glass for consumption on the premises only. St. Paul Legislative Code § 409.02.
[12] Test. of E. Hudak. Respondent also holds a gambling-related license which is ancillary to the licenses at issue here. *Id.*
[13] *Id.*
[14] *Id.*; Ex. 7-1.
[15] Test. of E. Hudak.
[16] *Id*. According to Mr. Spearman, he purchased Billy's from Mr. Johnson, and the purchase included the interior of Billy's, its equipment, and products. Test. of W. Spearman. Mr. Spearman signed a lease for the space. *Id.* Even so, the licenses under which Billy's operates belong to the City and remain in the name of RJMP Group. *Id.* Though the business arrangements between these various entities and individuals are complex, there is no dispute that DWD Group and Mr. Spearman have the authority to operate the business and defend against this action. RJMP Group, Mr. Johnson, and Mr. Prendergast did not appear for the hearing or otherwise participate in this matter.
[17] Test. of Chuck Gilbert.
[18] Test. of E. Hudak
[19] Test. of W. Spearman.
[20] Test. of E. Hudak.
[21] *Id.*

II. The Prior Licensing Matter

8. On February 1, 2022, DSI Issued a Notice of Violation of License Conditions and $500 Matrix Penalty (First Violation Notice) to Licensee.[22]

9. DSI identified three violations based on its determination that in October and November of 2021, Licensee: failed to maintain order; permitted a person on the licensed premises to touch, caress, or fondle the breasts, buttocks, anus, or genitals of another person; operated the premises in a manner that maintained or permitted conditions that unreasonably annoy, injure, or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public; and failed to take reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage.[23]

10. DSI asserted that Sgt. Graupman reviewed surveillance footage of the licensed premises and observed a couple engaging in sexual intercourse on a bench in the closed patio bar at approximately 1:24 a.m. on October 31, 2021.[24] During the time in which this behavior could be seen, the footage did not show any security personnel conducting sweeps or monitoring the patio in any way.[25]

11. DSI also asserted that surveillance footage showed a fight on the premises, that resulted in a 911 call, during which several patrons threw drinks, and then chairs, at one another and pushed and punched each other.[26] Several patrons were knocked to the ground. A man who appeared to be heavily intoxicated slipped to the floor and hit his head after being pushed, and while he lay on the floor another patron physically assaulted him by kicking him in the groin area.[27] Security staff deployed chemical irritants to disperse the crowd and the fight ended as patrons made their way toward the exits.[28]

12. Finally, Sergeant Graupman observed footage of an incident in which a patron purchased a beer and left the licensed premises with the alcoholic beverage.[29] The patron could be seen leaving the front patio area at 1:05 a.m. and was captured on footage again walking through the parking lot and off the property.[30] Staff failed to stop the patron from leaving.[31]

13. In response to these concerns, DSI proposed changes and additions to Licensee's licensing conditions. Among the changes, the license conditions required that Licensee's wait staff and managers check identification to ensure that patrons

---

[22] Ex. 1.
[23] *Id.* at 1-5–1-6.
[24] *Id.* at 1-4.
[25] *Id.*
[26] *Id.* at 1-4–1-5.
[27] *Id.* at 1-5.
[28] *Id.*
[29] *Id.*
[30] *Id.*
[31] *Id.*

under the age of 21 would not consume alcohol.[32] The revised licensing conditions also mandated that:

> License holder shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the licensed liquor service area(s)as well as sufficient roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.
>
> Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot All customers/patrons must be off the property/parking lot within 15 minutes after closing time.
>
> License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s).
>
> Whenever the establishment is open past 11.00 p.m. no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.[33]

14. The First Violation Notice explained that Licensee could pay the penalty and agree to the conditions, or if Licensee wished to appeal, it could contest the underlying facts, the $500 penalty, and the conditions.[34]

15. Licensee did not request a hearing, but instead Mr. Spearman paid the penalty amount and accepted the additional licensing conditions.[35]

16. The additional license conditions were adopted by City Council Resolution 22-311 on March 2, 2022, which was approved by St. Paul's Mayor on March 3, 2022.[36]

[32] *Id.* at 1-6. Previously the licensing condition only referenced ensuring minors were not served alcohol, without reference to consumption.
[33] *Id.* at 1-6–1-7.
[34] *Id.* at 1-7.
[35] Exs. 2, 3, 4 at 4-3; Test. of E. Hudak.
[36] Ex. 4.

III. The Current Violation Notice

17. On May 9, 2022, DSI issued a Notice of Violation and Request for Imposition of $1,000 Matrix Penalty (Second Violation Notice) to Licensee, identifying four violations.[37]

18. The Second Violation Notice resulted from an investigation conducted by DSI in response to several police calls involving Billy's or originating nearby its location.[38] These calls were detailed in police reports or incident narratives[39] regarding: (1) an instance in which a person was driving while under the influence (DWI) on March 4, 2022; (2) a shooting that occurred on March 5, 2022; (3) a police visit to Billy's regarding an assault on March 13, 2022; and (4) a call in response to a fight that occurred on March 18, 2022.[40] In connection with investigating these incidents, DSI determined that violations of the St. Paul Legislative Code and of licensing conditions had occurred at Billy's.[41]

19. DSI routinely requests that licensed businesses provide it with video camera surveillance footage to aid in its investigations.[42]

20. Licensee's license conditions require that it have a video surveillance system. Specifically, the relevant license condition states that:

> Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.[43]

---

[37] Ex. 5.
[38] Ex. 5 at 5-4; Test. of E. Hudak; Test. of C. Graupman.
[39] Incident narratives are not a full report, but contain information from a police report that is deemed to be public. Test. of C. Graupman.
[40] Ex. 5 at 5-4–5-5; Exs. 18-21.
[41] Ex. 5.
[42] Test. of E. Hudak.
[43] Ex. 3 at 3-1; Ex. 4 at 4-2.

21. After DWD Group began operating Billy's, Mr. Spearman submitted a copy of a camera and lighting placement plan for the property for approval.[44] The plan Mr. Spearman submitted was the same plan that had been previously used by RJMP Group.[45] Sgt. Graupman reviewed the camera plan and determined it was sufficient because the plan had not changed.[46]

A. Violation #1

22. On March 8, 2022, Mr. Hudak provided a written request to DWD Group by hand delivery and email for "continuous, uninterrupted video footage from all views of [its] camera surveillance footage" from 9:30 p.m. until 11:00 p.m. on Friday, March 4, 2022, and from 12:30 a.m. until 2:00 a.m. on Saturday, March 5, 2022.[47] DWD Group satisfied this request by providing video footage.[48]

23. A review of this footage did not establish a connection between Billy's and the DWI or the shooting.[49] Mr. Hudak and Sgt. Graupman, however, believed the video footage showed evidence of licensing violations.[50]

24. Both Mr. Hudak and Sgt. Graupman believed they saw four instances in which patrons of Billy's left the premises with open containers of alcoholic beverages on March 5, 2022.[51] In three instances, they observed patrons leaving with a cup in hand.[52] In one instance, they observed a patron leave the premises with a canned beverage.[53]

25. With regard to the patron who left with a can, Sgt. Graupman located videos taken from different cameras and angles showing the patron purchasing a beverage in a can at the bar and then leaving the premises minutes later with the can in hand.[54]

---

[44] Test. of C. Graupman; Test. of W. Spearman.
[45] Test. of C. Graupman; Test. of W. Spearman.
[46] Test. of C. Graupman. Sgt. Graupman had previously reviewed the RJMP Group camera plan and reviewed the same plan when it was submitted by Mr. Spearman. *Id.*
[47] Ex. 9 at 9-1. The letter was sent to Mr. Johnson as a representative of RJMP Group as well. *Id.*; Test. of E. Hudak.
[48] Test. of E. Hudak.
[49] *Id.*
[50] *Id.*; Test. of C. Graupman.
[51] Test. of E. Hudak; Test. of C. Graupman.
[52] Test. of E. Hudak; Test. of C. Graupman; Ex. 5 at 5-6.
[53] Test. of E. Hudak; Test. of C. Graupman; Ex. 5 at 5-6.
[54] Test. of C. Graupman. Exs. 23-24. Exhibit 23 is a set of still photographs gleaned from the video footage showing the individual purchasing the can at the bar and leaving the premises. Exhibit 24 contains video clips from various security cameras showing the same event. The relevant video clips in Exhibit 24 are from March 5, 2022, and are identified with the channel, last digits of the video number, and time stamp as follows: Channel 9 Video 4240 at 01:40; Channel 8 Video 0047 at 01:41-01:46; Channel 3 Video 5034 at 01:47; Channel 5 at 3000 at 01:43; Channel 1 Video 3242 at 01:47.

26. Neither Mr. Hudak nor Sgt. Graupman were able to determine what was actually in the containers or establish that they contained alcohol.[55]

27. Sgt. Graupman believed that the canned beverage contained alcohol based on his experience with how alcohol is served in bars, and his belief that bars generally do not serve non-alcoholic beverages in cans.[56]

28. Billy's sells 18 stock-keeping-units, or SKUs, of non-alcoholic beverages that come in cans, such as Red Bull, Rockstar, non-alcoholic beers, and sodas.[57]

29. Mr. Hudak and Sgt. Graupman expect licensees that sell alcohol to station security staff at exits, and to provide trash cans for patrons to throw away beverages as they leave.[58] Sgt. Graupman did not see security staff or trash cans at the exit on the video footage he reviewed.[59]

30. Billy's generally stations security staff at the exits and provides trash cans for patrons to throw away beverages.[60]

31. At the time that the four individuals identified by DSI left Billy's, security staff were actively responding to assist the victim in the shooting incident on March 5, 2022.[61] The victim was shot in the vicinity and then entered the common area of 857 Grand Avenue.[62] Approximately nine of the security staff worked to assist the shooting victim, while approximately three security staff members remained to cover security within the bar and patio.[63]

---

[55] Test. of E. Hudak (regarding allegations that patrons left with alcohol in cups, testifying he has no evidence that the cups contained alcohol); Test. of C. Graupman (testifying that he suspects the can contained alcohol, but could not identify the label, and so is unable to say with certainty that it was an alcoholic beverage, and further that he was unable to determine as to any of the individuals that the containers held alcoholic beverages).

[56] Test. of C. Graupman. Sgt. Graupman did not investigate what kind of beverages Billy's sells in cans or interview the bartender who sold the can to the patron to see if the bartender remembered what was sold. *Id.*

[57] Test. of C. Gilbert.

[58] Test. of E. Hudak; Test. of C. Graupman.

[59] Test. of C. Graupman. Neither Mr. Hudak, nor Sgt. Graupman, testified as to their personal observations of the space at Billy's, rather their testimony was based on the video footage. The record does not establish how much of the space at Billy's can be seen on camera versus the areas that may be out of camera range. In particular, it is not clear how much of the exit area the camera views show or whether security staff and trash cans could be located beyond the view of the camera.

[60] Test. of Luke Ponder.

[61] *Id.*

[62] *Id.*

[63] *Id.*; Test. of W. Spearman. The record does not reflect the exact number of security staff on site that night. Mr. Ponder and Mr. Spearman's estimates ranged at about 12-13 security staff members. It is clear that a majority of the security staff went to assist the victim, leaving the lesser number at their posts providing security in the licensed premises.

B. Violation #2

32. DSI received an SPPD public narrative report regarding a visit SPPD Officer Albert Lyfoung made to Billy's on March 13, 2022, responding to a report of an assault that was no longer in progress.[64] The report notes that Billy's was unable to provide access to all of the cameras on the property and did not have the means to make a copy of camera footage at Officer Lyfoung's request.[65]

33. On March 13, 2022, Officer Lyfoung visited Billy's with his partner related to an assault that the victim reported occurred the night before.[66] The officers spoke to the victim and determined that a fight occurred near the area of the restrooms in the mall portion of the building, which is in the common area used by all tenants of 857 Grand Avenue.[67] The common area is not within the licensed premises of Billy's.[68]

34. The officers observed that Billy's had surveillance cameras.[69] The officers spoke to staff regarding obtaining video footage and staff called Mr. Spearman, who arrived at Billy's to meet them within ten minutes.[70]

35. Mr. Spearman cooperated with the officers.[71] He showed the officers some camera footage, but was unable to show footage from two of the cameras they wished to see.[72] Officer Lyfoung believed that camera footage from the missing cameras would have afforded the officers a clearer view of the area where the assault happened.[73]

36. Officer Lyfoung considered the assault to be a serious incident because it was a crime of violence.[74]

37. The officers requested that Mr. Spearman provide a copy of video footage, but Mr. Spearman was unable to make a copy at that time because he did not have a thumb drive.[75]

C. Violation #3

38. On March 28, 2022, DSI hand-delivered a request for video camera surveillance footage to DWD Group, and a copy was sent to Mr. Johnson.[76] In this request, DSI sought recorded footage from 11:00 p.m. on Saturday, March 12, 2022,

---

[64] Ex. 20 at 20-1.
[65] *Id.*
[66] Test. of Albert Lyfoung.
[67] *Id.*; *see* Ex. 100; Test. of W. Wengler.
[68] Test. of W. Spearman.
[69] Test. of A. Lyfoung.
[70] *Id.*
[71] *Id.*
[72] *Id.*
[73] *Id.*
[74] *Id.*
[75] *Id.*; Test. of W. Spearman.
[76] Ex. 10 at 10-1.

until 12:30 a.m. on Sunday, March 13, 2022, and from 11:30 p.m. on Friday, March 18, 2022, until 1:00 a.m. on Saturday, March 19, 2022.[77]

39. DSI requested this footage to examine the alleged assault on March 12, 2022, to which Officer Lyfoung responded, as discussed above, and a fight that occurred at Billy's on March 18, 2022.[78]

40. The fight broke out at Billy's while Ramsey County Sheriff's Office (RCSO) deputies were working there off duty to provide security.[79] The deputies called on SPPD for emergency assistance and, in response to that call, 19 SPPD squad cars responded to or toward the scene, and ten SPPD officers ultimately arrived and met with the deputies, who had a person in custody.[80]

41. DSI received some of the requested video camera recordings, but the video footage provided was not complete.[81]

42. On April 20, 2022, DSI hand delivered a follow-up letter to DWD Group notifying it that the footage submitted for March 12-13, 2022, and March 18-19, 2022, did not include views from camera #24 and #29-1, 2, 3, 4.[82] The letter requested that the missing footage be provided by April 22, 2022.[83]

43. On April 21 and 22, 2022, Mr. Hudak and Mr. Spearman had an email exchange in which Mr. Spearman sent service reports related to maintenance issues with the camera system.[84] However, Mr. Hudak wrote in an email to Mr. Spearman on April 21, 2022:

> Three of the five service reports you provided appear completely unrelated to the missing video request and do not substantiate your inability to provide footage from cameras #24 and #29 on 3/12/2022 and 3/18/2022.
>
> The other two reports appear identical (copies of one another) and note work performed only on camera #29, not #24. That order seemingly explains that camera #29 could have been inoperable on 3/12/2022 but notes that i[t] was verified as operational on 3/17/2022 and therefore does not explain your inability to provide footage from it on 3/18/2022.
>
> In summary, the reports do not substantiate that camera #24 was inoperable on 3/12/2022 or 3/18/2022, or that camera #29 was inoperable on 3/18/2022.[85]

---

[77] *Id.*
[78] Test. of C. Graupman.
[79] Ex. 21 at 21-1.
[80] *Id.* at 21-2.
[81] Test. of E. Hudak.
[82] Ex. 11 at 11-1.
[83] *Id.*
[84] Ex. 12 at 12-1-12-2. *See also* Exs. 13-16.
[85] Ex. 12 at 12-1.

44. DSI considered the failure to provide video footage from cameras 24 and 29 to be a violation of Licensee's license condition regarding the requirement that Licensee provide video footage upon request.[86]

45. Camera 24 and camera 29 are included in the approved camera surveillance plan for Billy's.[87] Camera 24 covers the hallway in the common area where the restroom is located, and camera 29 includes views from four cameras covering the mall area and back alley.[88]

46. These cameras were part of the original camera network in place for Billy's.[89] At some point, Mr. Wengler had a camera in the mall area of the building removed.[90] Mr. Spearman had sought to place additional cameras in the common areas, but was not permitted to do so.[91]

47. Until the time when he received requests for footage, Mr. Spearman was not aware that cameras 24 and 29 were not in working order.[92]

D. Violation #4

48. Sgt. Graupman reviewed police call records for 857 Grand Avenue between May 6, 2021, and May 6, 2022.[93]

49. Based on this review, Sgt. Graupman determined that there were 128 calls for service, of which 31 would be considered "quality of life" calls that he concluded were related to Billy's.[94]

50. Sgt. Graupman reviewed police reports created for these calls to assess the underlying facts and determine which of the 31 calls were actually attributable to operations at Billy's.[95] Based on this assessment, he determined approximately 75 percent of the 31 quality of life calls were events that operations at Billy's created or that Licensee could have prevented.[96]

51. Quality of life calls directly and negatively impact the neighboring residential community.[97] This category does not include calls made by individuals

[86] Test. of E. Hudak.
[87] Test. of W. Spearman.
[88] *Id.*
[89] *Id*.
[90] Test. of W. Wengler. The record does not reflect which camera was removed, or show that cameras designated as numbers 24 or 29 were removed.
[91] Test. of W. Spearman.
[92] *Id.*
[93] Test. of C. Graupman; Ex. 5 at 5-8, Ex. 17.
[94] Test. of C. Graupman; Ex. 5 at 5-5.
[95] Test. of C. Graupman. The record does not contain details, beyond minimal summary data, as to the underlying facts of these police calls. *See id.*; Ex. 17.
[96] Test. of C. Graupman.
[97] *Id.*; Ex. 5-5.

working at Billy's in which they seek police assistance.[98] It also does not include calls in response to alarms or proactive police visits.[99]

52. Sgt. Graupman noted that the number and types of calls related to Billy's have generated concern in the surrounding community and have required substantial police resources.[100]

53. DSI has also received complaints from residents who have found drink cups in their yards or who report incidents of public urination.[101]

54. DWD Group employs a security staff supervised by its head of security, Luke Ponder.[102] At various times, DWD Group has had between seven and twelve employees on its security staff.[103] DWD Group has also contracted with a private security firm, LIB Security.[104]

55. The RCSO previously contracted to provide sheriff's deputies on site, but the RCSO is no longer providing security at Billy's.[105]

56. Saturday nights are the busiest night for Billy's.[106] On Saturday nights, between its internal security staff and contracted security, Billy's usually has 13 or 14 security staff working on site.[107] They are generally posted at the front door, on the patio, and at various stations inside the bar area.[108] Security staff members communicate with each other using radios tuned to the same channel.[109]

57. Mr. Ponder views safety as the primary focus for the security team.[110]

58. Security staff checks identification as patrons enter and denies entry to anyone who appears to be intoxicated.[111] Security staff members are also posted at exits to prevent patrons from leaving with alcoholic beverages.[112]

59. DWD Group has spent as much as $16,000 per month on security costs in order to address security concerns.[113]

---

[98] Test. of C. Graupman.
[99] *Id.*
[100] *Id.*
[101] *Id.*
[102] Test. of W. Spearman, Test. of L. Ponder.
[103] Test. of L. Ponder.
[104] *Id.*
[105] Test. of W. Spearman.
[106] Test. of L. Ponder.
[107] *Id.*
[108] *Id.*
[109] *Id.*
[110] *Id.*
[111] *Id.*
[112] *Id.*; Test. of C. Gilbert.
[113] Test. of W. Spearman.

IV. Penalty

60. In St. Paul Legislative Code § 310.05(m), the City has adopted a matrix of presumptive penalties for licensing violations. A second violation within twelve months is treated as a second appearance for determining the presumptive penalty.[114] For violations of license conditions or of provisions of the Legislative Code related to the licensed activity, the presumptive penalty for a second violation is $1,000.[115]

61. DSI determined that imposition of the standard matrix penalty for a second violation, which is $1,000, was the appropriate penalty to apply in the Second Violation Notice.[116]

62. Though the Second Violation Notice included multiple alleged violations, DSI did not seek an upward departure as to the proposed penalty amount.[117]

V. Public Comments

63. St. Paul Legislative Code § 310.05(c) provides for participation by members of the public in a licensing matter. The Administrative Law Judge permitted members of the public to offer comments in person at the evidentiary hearing on August 15, 2022. The Administrative Law Judge also established a written comment period following the hearing to allow interested members of the public to submit comments.[118]

64. Three members of the public spoke during the public comment portion of the hearing on August 15, 2022.[119]

65. Commenters Val and Richard Cohn live on Lincoln Avenue near Billy's, and both offered statements in support of Respondent.[120] Ms. Cohn noted that Billy's has been operating for many years and that its presence benefits the neighborhood.[121] Mr. Cohn was concerned about disruptive and dangerous behaviors related to operations at Billy's, so he visited the restaurant to observe matters for himself.[122] Mr. Cohn felt reassured by Mr. Spearman's efforts to provide a safe and positive environment for patrons and the neighborhood, and particularly noted the presence of security staff on the premises.[123]

66. Julia Livingstone lives on Lincoln Avenue with her family, having moved to St. Paul only a few years ago.[124] She was very concerned about the safety of the

[114] St. Paul Legislative Code § 310.05(m)(v).
[115] *Id.*, § 310.05(m).
[116] Test. of E. Hudak.
[117] *Id.*
[118] All of the comments received at or after the hearing are summarized in this recommendation, but the content of each commenter's statements is not fully recited.
[119] Hearing Digital Recording (Aug. 15, 2022) (on file with the Minn. Office Admin. Hearings).
[120] *Id.*
[121] *Id.*
[122] *Id.*
[123] *Id.*
[124] *Id.*

neighborhood following a murder that occurred outside Billy's.[125] She personally reached out to the current owners of Billy's to arrange a meeting with a group of neighbors.[126] She now feels confident about the commitment that they have made to ensure a safe environment.[127] She also believes that the owners have experienced racism in connection with the City's process and that this inequity should be addressed.[128]

67. The Office of Administrative Hearings also received 31 written comments after the hearing.[129]

68. Milton G. Nichols, Jr. and Brent Teclaw each submitted comments describing an incident in June 2022, in which they report that a bullet came through their kitchen window, spraying Mr. Nichols' legs with glass and nearly striking him.[130] Mr. Nichols indicates they are still trying to repair the physical damage to their home.[131] Mr. Teclaw states that he is unable to walk into his kitchen without thinking about this event, and he instinctively ducks or avoids the area where the bullet traveled.[132] He asserts that he and the entire neighborhood are experiencing trauma attributable to Billy's, and that it should not be permitted to continue operating with late night licensing.[133] Mr. Nichols contends that, while the management at Billy's may be mostly successful at containing violence within the establishment, "they are failing horribly around their establishment."[134]

69. Chris Arlandson describes a recent incident of gunfire after midnight requiring that his family take cover and stay away from the windows of their home.[135] He states that the "range of criminal activity centered around Billy's is profound," and that a "community tragedy feels inevitable" unless Billy's is closed.[136] He describes viewing drug dealing in the parking lot at Billy's in plain sight within the last year, and states that at closing time cars loudly and recklessly speed through the side streets of the

[125] *Id.* This event occurred in the vicinity of Billy's, but was not related to Billy's. Test. of E. Hudak.
[126] Hearing Digital Recording (Aug. 15, 2022) (on file with the Minn. Office Admin. Hearings).
[127] Hearing Digital Recording (Aug. 15, 2022) (on file with the Minn. Office Admin. Hearings).
[128] *Id.*
[129] The deadline for submission of public comments was August 26, 2022. Notice of Public Comment Period and Post-Hearing Scheduling Order (Aug. 16, 2022). The Office of Administrative Hearings received several public comments after that deadline. The Administrative Law Judge determines that neither party is prejudiced by consideration of the late-filed comments. Therefore, these comments are included within the record and have been considered in making this recommendation.
[130] Comment of Milton G. Nichols, Jr. (Aug. 24, 2022); Comment of Brent Teclaw (Aug. 24, 2022).
[131] Comment of Milton G. Nichols, Jr. (Aug. 24, 2022).
[132] Comment of Brent Teclaw (Aug. 24, 2022).
[133] *Id*.
[134] Comment of Milton G. Nichols, Jr. (Aug. 24, 2022).
[135] Comment of Chris Arlandson (Aug. 23, 2022). Note that this comment was submitted twice, once by facsimile and then by U.S. Mail. In tallying the number of comments, this comment was counted only once.
[136] *Id.*

neighborhood.[137] He contends that violence and criminal activity associated with Billy's are destroying the neighborhood.[138]

70. Jean T. Johnson notes that she and her husband moved to Grand Avenue five years ago; they love the bustle and life of Grand Avenue, and feel the street's energy helped them survive the solitude imposed by COVID-19.[139] Their four grandchildren regularly spend time with them to visit shops and restaurants on Grand Avenue and to stay overnight, but due to gunfire and other disturbances outside their home, they wonder "how can we, in good conscience, ask our children to leave their kids in our home overnight on weekends?"[140]

71. Kevin W. Johnson recounts incidents of gunfire and reckless driving he associates with Billy's.[141] He notes law enforcement statistics related to 911 calls and police responses to Billy's and states:

> Regardless of whether these reported and unreported incidents occurred directly within the confines of Billy's business premises, the concentration of the incidents within a one block radius of Billy's establishment is indisputable. The behavior is absent from other blocks away from Billy's. This pattern is not random and not mere coincidence. They are a result of Billy's presence and (some) of the people attracted there.[142]

72. Commenter Peter Caritas describes incidents he associates with Billy's that he asserts have traumatized his family.[143] Among these, an incident of gunfire resulting in bullet hole in a neighbor's kitchen window,[144] after which he rearranged his daughter's bedroom to move her bed away from the window.[145] During a subsequent incident, he heard loud gunfire nearby and ran into his daughter's room, where they got down on the floor in case more shots were fired.[146] He notes that: "[w]e are not choosing to go out to a bar. The bar is being forced upon us," and further states: "I just don't understand how someone's right to run a business can outweigh our right to a safe environment to live in."[147]

73. Jennifer Caritas contends that an uptick in violent crime in the immediate vicinity of Billy's is out of proportion to a general increase of crime in the area, and she believes many of these incidents originate at Billy's.[148] She notes that neighbors in the

---

[137] *Id.*
[138] *Id.*
[139] Comment of Jean T. Johnson (Aug. 22, 2022).
[140] *Id.*
[141] Comment of Kevin W. Johnson (Aug. 23, 2022).
[142] *Id.*
[143] Comment of Peter Caritas (Aug. 23, 2022).
[144] This incident is described above in connection with a prior comment.
[145] *Id.*
[146] *Id.*
[147] *Id.*
[148] Comment of Jennifer Caritas (Aug. 22, 2022).

building where she lives have moved away due to violence related to Billy's, and that others are discussing leaving the building.[149]

74. Eve Johnson Blackwell states that she has lived nearby Billy's for 25 years.[150] She notes that: "[o]ver our long residency in this area, we have experienced occasional late-night problems. However, we have NEVER seen anything like the recent spate of major, violent and life-threatening issues that sadly, now occur often…."[151]

75. Kathy Larkins has lived three blocks away from Billy's for 18 years and her husband has maintained an office one block away for over ten years.[152] She believes that there is a correlation between Billy's late night closing time and shootings in the neighborhood, which she asserts occur between midnight and 2 a.m.[153] She proposes that an 11:00 p.m. closing time be imposed.[154]

76. Mark Lindley moved to Grand Avenue five years ago and lives within one block of Billy's.[155] He and his wife believe that a diverse business community benefits Grand Avenue and Saint Paul, and they support the addition of more minority-owned businesses in the area.[156] At the same time, they believe Billy's is no longer a neighborhood pub or bar, but that it has turned into a party venue with loud music and large crowds spilling out from its location.[157] He notes that they knew they were moving to a mixed-use neighborhood and understands that businesses do contribute to both traffic and noise, but he asserts that Billy's does not fit into a residential/mixed-use community, and he supports denying Billy's a liquor license entirely.[158]

77. Commenters Margaret and Stephen Gadient are concerned about gunfire and rowdiness, noting that someone pounded on their door at 1:40 a.m. in the days just prior to their comment, following the sound of gunfire.[159] They expressed their concern that the activities at Billy's will negatively impact nearby businesses and cause people to avoid the neighborhood entirely.[160]

78. Gabriel Broner is concerned about repeated shootings in the neighborhood, including a recent incident in which he was told the police found four bullet casings by his bedroom window and another near his garage.[161]

---

[149] *Id.*
[150] Comment of Eve Johnson Blackwell (undated, received August 26, 2022).
[151] *Id.*
[152] Comment of Kathy Larkins (Aug. 23, 2022).
[153] *Id.*
[154] *Id.*
[155] Comment of Mark Lindley (Aug. 25, 2022).
[156] *Id.*
[157] *Id.*
[158] *Id.*
[159] Comment of Margaret and Stephen Gadient (Aug. 22, 2022).
[160] *Id.*
[161] Comment of Gabriel Broner (Aug. 22, 2022).

79. James Hartnett writes that he and his family have been regular patrons of Billy's since moving to the neighborhood in 1993.[162] He contends Billy's is now responsible for fights and gunfire that terrorize the community.[163] He maintains that the current owners "cannot (or will not) control what goes on in their establishment and in its immediate surroundings," that Billy's is now a blight on Grand Avenue, and that it should be permanently closed.[164]

80. Commenter Paul Schuster regularly frequented Billy's over the past 30 years, but now he also calls for Billy's to be permanently shut down.[165] He notes that he has changed his driving route so that he no longer drives by Billy's due to his concerns about violence and disturbances, and that when biking he crosses Grand Avenue a block away to avoid riding past Billy's.[166]

81. Commenter Barry Foy contends that Billy's has become a magnet for trouble, in part because Billy's is open until 2 a.m. and patrons leave bars with midnight closings to frequent Billy's during its later open hours.[167] He maintains that when patrons leave Billy's, they become the neighborhood's problem.[168] He also addressed the concern that racism is prompting the neighborhood's reaction to issues at Billy's, stating that perceptions based on race are not the cause of shootings, assaults, public indecency, and late-night disturbances.[169]

82. Don Flanagan contends that neighbors should not be required to endure crime, danger, and noise associated with Billy's, which he considers a night club.[170] He believes that Billy's should be denied the licenses necessary for it to operate.[171]

83. Commenter Judith Feldman asserts that violence in the neighborhood has increased dramatically in recent years and that if the clientele at Billy's, the late closing time, and the level of noise and music are at the crux of the situation, something must be done.[172]

84. Lori Brostrom notes that other restaurant and bar businesses in the vicinity of Billy's do not generate the same quality of life issues as Billy's.[173] She states that: "[i]t is clear that Billy's current management group cannot control their patrons" or operate in a manner that is respectful to the surrounding residential community.[174] She proposes

[162] Comment of James Hartnett (Aug. 23, 2022).
[163] *Id.*
[164] *Id.*
[165] Comment of Paul Schuster (Aug. 23, 2022).
[166] *Id.*
[167] Comment of Barry Foy (undated, received Aug. 22, 2022).
[168] *Id.*
[169] *Id.*
[170] Comment of Don Flanagan (Aug. 23, 2022).
[171] *Id*.
[172] Comment of Judith Feldman (Aug. 22, 2022).
[173] Comment of Lori Brostrom (Aug. 22, 2022)
[174] *Id.*

that Billy's should be denied a liquor license, or if a license is granted, the license be limited to wine and beer and that Billy's should have an 11 p.m. closing time.[175]

85. Commenter Patricia Callaghan will no longer walk on Grand Avenue after dusk and feels serious action must be taken regarding Billy's.[176] She proposes taking away the liquor license for Billy's or allowing only a limited license for beer and wine.[177]

86. Pamela and Tom Newcome state that disturbances, including gunfire between 1:30 and 2:00 a.m., are "beyond anything we can tolerate."[178] They do not support the continued issuance of a liquor license for Billy's.[179]

87. Jason Lien and Emerald Gratz state that they live in the Summit Hill neighborhood with their two children.[180] They have patronized several bars and restaurants on Grand Avenue over the years, including Billy's.[181] They note that, in the past, Billy's was a neighborhood bar where residents could get dinner or a drink and watch a sports game with friends and neighbors.[182] They indicate that Billy's now attracts criminal behavior, and they no longer feel safe visiting Grand and Victoria with their family.[183]

88. Trudy Noel Trysla and David Schultz have lived near Grand and Victoria for over 20 years and note that the safety and security issues at Billy's did not occur until the last two years, coinciding with a change of ownership.[184] They are aware that security has been increased at Billy's, but even so, incidents continue to occur.[185] They state: "It has gotten to the point that we have instructed our teenage children who frequently work or attend evening events and have to pass by the area to drive away from the Billy's location after dark[,] but even with those measure[s] we are concerned for their safety."[186] They are actively considering moving away due to safety concerns.[187]

89. Commenter Laura Norén indicates that the liquor license for Billy's should not be renewed and that it should not be permitted to remain open until 2 a.m.[188] She states: "whatever efforts Billy's is making, they have not been enough to quell the violence or the drunk driving."[189]

---

[175] *Id.*
[176] Comment of Patricia Callaghan (Aug. 30, 2022).
[177] *Id.*
[178] Comment of Pamela and Tom Newcome (Aug. 23, 2022).
[179] *Id.*
[180] Comment of Jason Lien and Emerald Gratz (Aug. 23, 2022).
[181] *Id.*
[182] *Id.*
[183] *Id.*
[184] Comment of Trudi Noel Trysla and David Schultz (Aug. 22, 2022).
[185] *Id.*
[186] *Id.*
[187] *Id.*
[188] Comment of Laura Norén (Aug. 23, 2022).
[189] *Id.*

90. Robert Karls proposes, at the least, imposition of a midnight closing time for Billy's, as he asserts Billy's has become a nexus of late-night violence.[190] He addresses a newspaper article in which Mr. Spearman and Mr. Gilbert are quoted referencing their Black late-night clientele and asserting that their patrons are scapegoated for all crime in the neighborhood.[191] Mr. Karls denies that the neighborhood's concerns about gunfire and assaults are based on biased perceptions.[192]

91. Susan Hunter, who lives on the same block where Billy's is located, remarks that she is afraid to drive home past Billy's at night when Billy's is in full swing due to altercations on the street.[193] She notes an event of gunfire in the neighborhood and states that it is "terrifying to walk from our garage door to the back of our building."[194]

92. Commenter Tom Quinn lives far enough from Billy's that he hears gunfire, but does not fear for himself as a result.[195] He notes that other friends who live nearer to Billy's hesitate to go out at night and deliberately schedule the time they leave late night outings so that they don't return home at closing time for Billy's.[196] He asks that licenses be denied for Billy's.[197]

93. Commenter Jennifer Isernhagen acknowledged that Billy's is not responsible for all of the crime in the surrounding neighborhood, and she credits Mr. Spearman and Mr. Gilbert for working with the neighborhood.[198] At the same time, she is concerned about incidents of gunfire, and she fears that families with young children are traumatized by these incidents and will leave the neighborhood.[199]

94. Commenter Curt Isernhagen cites ongoing crime and violence in close proximity to Billy's and requested that this matter not be dismissed.[200]

95. John C. Wood contends that Billy's should be limited to a license permitting sales and consumption of alcohol until 11:00 p.m.[201] He posits that this earlier bar time will align Billy's with other businesses in the neighborhood and curtail visits from after-hours patrons who have already consumed too much alcohol.[202] He states that he wants to see Grand Avenue businesses succeed, but that the criminal behavior

[190] Comment of Robert Karls (Aug. 22, 2022).
[191] *Id.*
[192] *Id.*
[193] Comment of Susan Hunter (Aug. 24, 2022).
[194] *Id.*
[195] Comment of Tom Quinn (Aug. 23, 2022).
[196] *Id.*
[197] *Id.*
[198] Comment of Jennifer Isernhagen (Aug. 22, 2022).
[199] *Id.*
[200] Comment of Curt Isernhagen (Aug. 22, 2022).
[201] Comment of John C. Wood (Aug. 22, 2022).
[202] *Id.*

occurs primarily after 11:00 p.m. at or around Billy's location, and that an earlier bar closing time will be better for the community.[203]

96. Dana Wood notes that she has stopped dining, shopping, and using services on Grand Avenue because of safety concerns related to Billy's.[204] She states that no other restaurant, bar, or business on Grand Avenue has negatively impacted the neighborhood as much as Billy's.[205] She further states: "We know Billy's management has tried to curtail its problems. For some reason it is not working. Due to the fact that Billy's management is unable to control its problems, and as much as we would like to see Billy's be a successful restaurant/bar we, unfortunately, are convinced that it is in dire need of assistance." She proposes limiting Billy's to a midnight closing time.[206]

97. Lynn McDaniel does not want Billy's to be permitted to operate until 2 a.m.[207] She states that the "good intentions of the business owners are not in question here," but that the persistent problems at Billy's require action.[208] She believes Billy's should maximize its food and beverage service during earlier hours of operation.[209]

98. Any Conclusion of Law more properly considered to be a Finding of Fact is adopted herein.

99. Any portion of the accompanying Memorandum that is more properly deemed to be a Finding of Fact is incorporated herein.

Based on these Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS OF LAW

1. The Administrative Law Judge and the St. Paul City Council have authority to hear this matter pursuant to St. Paul Legislative Code § 310.05(c), Minn. Stat. § 14.55 (2022).

2. The hearing in this matter was conducted in accordance with St. Paul Legislative Code § 310.05 and the contested case procedures of Minn. Stat. §§ 14.57-.62 (2022).

3. DSI provided proper notice of the hearing and fulfilled all procedural requirements of rule and law.

---

[203] *Id.*
[204] Comment of Dana Wood (Aug. 22, 2022).
[205] *Id.*
[206] *Id.*
[207] Comment of Lynn McDaniel (Aug. 24, 2022).
[208] *Id.*
[209] *Id.*

4. DSI must show by a preponderance of the evidence that Licensee committed the violations alleged.[210]

5. St. Paul Legislative Code § 310.06(a) provides that the City Council may take adverse action against a license or licensee as provided by ordinance, including when:

a. a licensee has failed to comply with any condition set forth in the license;

b. the licensee or license applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of any statute, ordinance or regulation reasonably related to the licensed activity;

c. a licensee or applicant has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn;

d. the activities of the licensee in the licensed activity have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner; or

e. the licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.[211]

6. Section 409.08 of the St. Paul Legislative Code provides additional regulations related to licenses to sell intoxicating liquor, including that every licensee is responsible for the conduct of its place of business and is required to maintain order and sobriety in that place of business.[212]

7. Additionally, an on-sale licensee is responsible for taking reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can, or glass containing any alcoholic beverage, and the failure to do so may result in adverse action against its license.[213]

8. DSI has not shown by a preponderance of the evidence that Licensee allowed patrons to leave with alcoholic beverages on March 5, 2022, or that it failed to

[210] Minn. R. 1400.7300, subp. 5 (2021).
[211] St. Paul Legislative Code § 310.06(b)(5), (6)(a), (6)(c), (7), (8).
[212] St. Paul Legislative Code § 409.08(5).
[213] St. Paul Legislative Code § 409.08(15).

take reasonable and adequate steps to prevent patrons from leaving with alcohol on that date. Therefore, DSI has not established a violation of Licensee's license conditions or the St. Paul Legislative Code related to the conduct alleged in Violation #1.

9. DSI established by a preponderance of the evidence that Licensee failed to provide complete video footage and a copy of such footage to an SPPD officer on March 13, 2022, in violation of a condition of the license, as alleged in Violation #2.

10. DSI established by a preponderance of the evidence that Licensee failed to provide complete video footage from March 18, 2022, at DSI's request, in violation of a condition of the license, as alleged in Violation #3.

11. DSI established by a preponderance of the evidence that Licensee has operated the licensed establishment or permitted conditions to occur in a manner that does not provide a safe environment for patrons and the public in violation of St. Paul Legislative Code § 310.06(b)(8), as alleged in Violation #4.

12. In accordance with the penalty matrix in Section 310.05(m) of the St. Paul Legislative Code, a penalty of $1,000 may be imposed for a second violation within one year.

13. DSI established that a penalty of $1,000.00 may be imposed for the conduct alleged in Violations #2, #3, and #4.

14. Any Finding of Fact more properly considered to be a Conclusion of Law is adopted herein.

15. Any portion of the accompanying Memorandum that is more properly deemed to be a Conclusion of Law is incorporated herein.

Based upon these Conclusions of Law, and for the reasons explained in the accompanying Memorandum, the Administrative Law Judge makes the following:

RECOMMENDATION

The St. Paul City Council should impose a matrix penalty of $1,000, based on the conduct alleged in Violations #2, #3, and #4 of the Second Violation Notice.

Dated: December 21, 2022

JESSICA A. PALMER-DENIG
Administrative Law Judge

Reported: Digitally Recorded
Partial Transcript Filed

NOTICE

This Report is a recommendation, not a final decision. The Saint Paul City Council will make a final decision after a review of the record and may adopt, reject, or modify these Findings of Fact, Conclusions of Law, and Recommendation. Pursuant to Saint Paul Legislative Code § 310.05 (c-1), the City Council shall not make a final decision until the parties have had the opportunity to present oral or written arguments to the City Council. Parties should contact the St. Paul City Clerk, 310 City Hall, 15 W. Kellogg Blvd., Saint Paul, MN 55102, to ascertain the procedure for filing exceptions or presenting arguments.

MEMORANDUM

I. Introduction

DSI alleges four violations of the St. Paul Legislative Code or the licensing conditions under which Billy's is operated and that imposition of a matrix penalty of $1,000 is warranted. The Administrative Law Judge determines that DSI established three of the alleged violations occurred, and that the record supports imposition of a penalty in the amount of $1,000.

II. Violations

A. Violation #1 – Failure to Prevent Patrons from Leaving with Alcohol

DSI contends that four patrons were allowed to leave the service area at Billy's with alcoholic beverages in cups and a can on March 5, 2022.[214] DSI must prove this allegation by a preponderance of the evidence.[215] To establish a fact by a preponderance of the evidence, it must be more probable than not that a fact exists.[216] "If evidence of a fact or issue is equally balanced, then that fact or issue has not been established by a preponderance of the evidence."[217] Therefore, DSI must establish it is more probable than not that the cups and can contained alcohol.

Mr. Hudak and Sgt. Graupman were not able to determine whether the cups or can contained alcohol.[218] Mr. Hudak testified he had no evidence as to what was in any of the containers.[219] Sgt. Graupman testified he does not know what was in the containers, but he suspects that they contained alcohol.[220] Sgt. Graupman testified that it is difficult to determine what a cup may contain because cups do not have labels and bars often pour non-alcoholic beverages into cups.[221] As to the canned beverage, he was not able to see the label, but he based his suspicion on his understanding as to

[214] Ex. 5 at 5-6.
[215] Minn. R. 1400.7300, subp. 5.
[216] *City of Lake Elmo v. Metropolitan Council*, 685 N.W.2d 1, 4 (Minn. 2004).
[217] *Id.*
[218] Test. of E. Hudak; Test. of C. Graupman.
[219] Test. of E. Hudak.
[220] Test. of C. Graupman.
[221] *Id.*

how bars sell alcoholic beverages and his belief that bars generally do not sell non-alcoholic beverages in cans.[222] Billy's, however, sells 18 different non-alcoholic beverages that come in cans.[223] On this record, DSI has not provided sufficient evidence to establish by a preponderance that Respondent allowed patrons to leave with alcoholic beverages on March 5, 2022.

As a secondary matter, the parties offered evidence relating to whether Respondent took reasonable and adequate steps to prevent persons from leaving the licensed premises with alcoholic beverages.[224] DSI offered examples of the steps that a bar can take, such as by having security staff observe the exit and placing trash cans by the door so that patrons can throw drinks away as they leave.[225] Sgt. Graupman testified that he did not see these precautions being taken in the video footage he reviewed,[226] however Mr. Ponder testified that Respondent does have trash cans by the door and security staff posted at every exit.[227] Mr. Hudak acknowledged that, when these four individuals left Billy's, its security staff members were responding to assist a shooting victim who had entered the common area of the building.[228] Mr. Hudak denied that this would be a basis for leeway as to the efforts that would be considered reasonable, though he allowed that a tornado or an "Act of God" would provide such a basis.[229]

The Administrative Law Judge has determined that there is insufficient evidence to show that patrons left the premises on March 5, 2022, with alcoholic beverages, which makes this issue somewhat moot. To be clear, however, the Administrative Law Judge also concludes that there is insufficient evidence to show that Billy's failed to take reasonable and adequate steps to prevent patrons from leaving with alcohol on that date. Sgt. Graupman testified that he did not see trash cans or security staff on the video footage,[230] but Mr. Ponder testified that Billy's did have trash cans by the exits and that a security staff member was covering the patio on March 5, 2022.[231] The record does not clearly establish whether the trash cans or security personnel were present, but simply outside of the range of the security cameras. Based on this record, the Administrative Law Judge does not find a violation.

---

[222] *Id.*
[223] Test. of C. Gilbert.
[224] St. Paul Legislative Code § 409.08(15).
[225] Test. of E. Hudak; Test. of C. Graupman.
[226] Test. of C. Graupman.
[227] Test. of L. Ponder.
[228] Test. of E. Hudak.
[229] *Id.*
[230] Test. of C. Graupman.
[231] Test. of L. Ponder.

B. Violation #2 – Failure to Show Video Footage and Provide a Copy to the SPPD

Licensee's license conditions provide that it is required to maintain a camera surveillance system according to an approved plan.[232] The condition further provides that:

> If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy.[233]

On March 13, 2022, SPPD Officer Albert Lyfoung went to Billy's to investigate an alleged assault that occurred the night before.[234] Officer Lyfoung and his partner determined that a fight occurred near the area of the restrooms in the common area of the building just outside the premises of Billy's.[235] The officers observed video cameras and sought to obtain footage of that area.[236] The staff called Mr. Spearman, who was not there at the time, but who arrived at Billy's to meet the officers within ten minutes.[237] Mr. Spearman was unable to show the officers footage from two cameras,[238] and when they requested a copy of camera footage, he was unable to make a copy immediately because he did not have a thumb drive.[239]

Mr. Spearman disputes that he was unable to display footage from all of the cameras for the SPPD officers.[240] Officer Lyfoung, however, testified that Mr. Spearman was unable to display footage from several cameras and he believed a missing camera view would have provided a clearer view of the area where the assault occurred.[241] Camera 24 covers the hallway in the common area where the restroom is located and was one of the camera views missing when DSI later requested footage.[242] A preponderance of the evidence supports finding that Mr. Spearman was not able to show the officers footage from camera 24.

Even if that were not true, Mr. Spearman's inability to provide a copy of the footage is an independent violation of the license condition. Officer Lyfoung deemed the alleged assault a serious incident because it is a crime of violence.[243] The Administrative Law Judge agrees that an assault report constitutes a serious incident

---

[232] Ex. 3 at 3-1; Ex. 4 at 4-2.
[233] Ex. 3 at 3-1; Ex. 4 at 4-2.
[234] Ex. 20 at 20-1; Test. of A. Lyfoung.
[235] Ex. 100; Test. of W. Wengler; Test. of A. Lyfoung; Test. of W. Spearman.
[236] Test. of A. Lyfoung.
[237] *Id.*
[238] *Id.*
[239] *Id.*
[240] Test. of W. Spearman.
[241] *Id.*
[242] *Id.*
[243] Test. of A. Lyfoung.

entitling the SPPD to obtain a copy of footage immediately. The license condition requires that Licensee have the technology, materials, and staff available to make a copy of footage, but Mr. Spearman did not have a thumb drive available.[244]

The record reflects that Mr. Spearman was responsive and fully cooperative with the officers in displaying the footage. The failure to show all camera views and provide a copy was not an intentional violation or an effort to obstruct the investigation. However, both the failure to display all camera footage and to provide a copy constitute a license violation.

C. Violation #3 – Failure to Provide Camera Footage to DSI

DSI subsequently requested footage from Licensee's camera system for the night of March 12, 2022, when the alleged assault occurred, and for the night of March 18, 2022, during which a serious fight broke out at Billy's that resulted in an extensive deployment of law enforcement resources.[245] Mr. Spearman provided some footage to DSI, but was unable to provide complete footage because views from camera 24 and camera 29 were missing.[246] Both of these cameras are included in the approved camera surveillance plan for Billy's.[247] As noted previously, camera 24 covers the hallway in the common area where the restroom is located.[248] Camera 29 includes views from four cameras covering the mall area and back alley.[249]

Licensee argues that DSI does not have the authority to request footage under the language of the license condition in this case, noting that the condition does not specifically name DSI as a party that may request footage. The Administrative Law Judge disagrees. After describing the rights of the SPPD to request footage related to a serious incident, the condition next provides that: "In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours."[250] While this language could be clearer, it is broad enough to permit DSI, the regulatory agency with authority over the licenses Licensee holds, to request footage.

Licensee also argues that it is not responsible for the cameras outside its licensed premises and that the failure to provide footage from such cameras is not a licensing violation. The license condition requires that the camera surveillance plan include the "interior and exterior of the licensed premises."[251] Mr. Spearman acknowledged that cameras 24 and 29 are included within the surveillance and lighting plan he submitted for approval.[252] Sgt. Graupman approved the plan as written.[253] The

[244] Test. of W. Spearman.
[245] Ex. 10 at 10-1; Ex. 21 at 21-1.
[246] Test. of E. Hudak; Ex. 12 at 12-1.
[247] Test. of W. Spearman.
[248] *Id.*
[249] *Id.*
[250] Ex. 3 at 3-1; Ex. 4 at 4-2.
[251] Ex. 3 at 3-1; Ex. 4 at 4-2.
[252] Test. of W. Spearman.
[253] Test. of C. Graupman.

failure to provide footage from cameras that Licensee represented were part of its surveillance system constitutes a violation.

D. Violation #4 – Failure to Operate the Licensed Business in a Manner that is Safe for Patrons and the Public

DSI contends that the overall licensing history of the Licensee, including the violations addressed in the First Violation Notice and the violations identified in this matter, show that Licensee is not operating the business in a safe manner for its patrons and the public. Among DSI's concerns are the number of police calls to Billy's and the type of those calls, particularly those it characterizes as "quality of life" calls.

Sgt. Graupman reviewed police calls to 857 Grand Avenue between May 6, 2021, and May 6, 2022.[254] He determined that there were 128 calls for service, of which 31 would be considered "quality of life" calls related to Billy's.[255] That qualification applies to calls that directly and negatively impact the neighboring residential community.[256] Sgt. Graupman then reviewed the underlying police reports related to these calls and determined approximately 75 percent of the 31 quality of life calls were events that operations at Billy's created or that the owners could have prevented.[257]

The record does not contain the underlying information that Sgt. Graupman reviewed, making an assessment of the evidence related to this portion of DSI's case difficult. The Administrative Law Judge is unable to definitively find that any particular incident Sgt. Graupman reviewed was correctly attributed to Licensee or properly characterized as a quality-of-life issue. Yet, the evidence in the record is sufficient to establish that a violation exists. Sgt. Graupman noted that the number and types of calls related to Billy's have generated concern in the surrounding community and have required substantial police resources.[258] This is supported by evidence in the record.

From May 2021, when DWD Group opened Billy's to the public under its management, to May 2022, there were 128 police calls to 857 Grand Avenue. This averages to one police call every third day over the course of the year. While some of these calls were proactive police visits and responses to alarms, and some of these incidents were not caused directly by the operations at Billy's, this is still an extremely high level of police involvement. Further, the record suggests that the extent of police involvement with Billy's has increased. Sgt. Graupman examined the number of police calls from January 20, 2021, to January 20, 2022, in connection with the First Violation Notice.[259] Over that period, there were 78 calls for police service, of which 20 were

[254] *Id.*; Ex. 5 at 5-8, Ex. 17.
[255] Test. of C. Graupman; Ex. 5 at 5-5.
[256] *Id.*; Ex. 5-5.
[257] Test. of C. Graupman.
[258] *Id.*
[259] Ex. 1 at 1-3.

deemed to be quality of life calls.[260] The number of total calls from May 2021 until May 2022 is nearly double that of the prior period.

The record also reflects serious and significant concerns about the impact Billy's has had on the surrounding neighborhood, much of which is residential. The comments received at the hearing and during the comment period were not made under oath, and the Administrative Law Judge has recounted those comments without making direct findings that any particular incidents mentioned occurred or were caused by the operations at Billy's. Additionally, the comments cite incidents outside the time frame addressed in the Second Violation Notice. The Administrative Law Judge has confined her conclusion that a violation occurred to the issues addressed in the Second Violation Notice.

Nonetheless, the comments show that many neighbors within the area around Billy's are alarmed and fearful. While many commenters expressed support for Billy's and indicated they want a successful restaurant and bar at that location, they contend that the way that Billy's operates is untenable. Some are considering leaving the neighborhood, while others have altered their daily lives to avoid Billy's or to protect themselves and their families from dangerous conditions they attribute to Billy's.

The record shows that Mr. Spearman and DWD Group have invested heavily in security by hiring a security staff, contracting with outside security, and spending up to $16,000 per month on security costs.[261] Mr. Spearman has been fully cooperative with DSI and the SPPD.[262] Mr. Gilbert, the manager at Billy's, has met with 13 or 14 neighbors himself to address their concerns.[263] Yet, the record supports the conclusion that Billy's has operated in a manner that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public.[264]

III. Penalty

In response to the First Violation Notice,[265] Licensee did not request a hearing, and Mr. Spearman paid the $500 penalty amount and accepted the additional licensing conditions.[266] At the hearing, Mr. Spearman denied that he paid the penalty because he agreed the alleged violations occurred.[267] Even so, that matter constituted a first appearance and is now final, such that the Administrative Law Judge has no authority to set it aside.

---

[260] *Id.*
[261] Test. of W. Spearman; Test. of L. Ponder.
[262] Test. of W. Spearman; Test. of E. Hudak; Test. of C. Graupman; Test. of A. Lyfoung.
[263] Test. of C. Gilbert.
[264] St. Paul Legislative Code § 310.06(b)(8).
[265] Ex. 1.
[266] Exs. 2, 3, 4 at 4-3; Test. of E. Hudak.
[267] Test. of W. Spearman.

The presumptive matrix penalty for a second appearance is $1,000, which is the penalty amount DSI selected.[268] DSI did not seek an upward variance of the penalty, and it aggregated the violations alleged into one violation notice, instead of treating them separately. Imposition of a $1,000 penalty is lawful based on the St. Paul Legislative Code and the record in this case.

Many commenters requested that additional conditions be attached to the licenses or that the licenses be revoked. This matter considers only the Second Violation Notice and the request for imposition of the $1000 penalty, and any further actions are not within the Administrative Law Judge's jurisdiction.

IV. Conclusion

DSI failed to establish Violation #1 by a preponderance of the evidence, but did establish Violations #2, #3, and #4. Therefore, the City Council should impose a $1,000 matrix penalty on Licensee.

J. P. D.

[268] St. Paul Legislative Code § 310.05(m).

Docket No.: OAH 71-6020-38398/In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul[1]

CITY EXHIBIT LIST

Exhibit No.	Date	Description	Received	Not Offered	Offered Not Received	Under Seal
1	February 1, 2022	February 1, 2022 Notice of Violation and Request for Imposition of License Conditions and $500 Matrix Penalty	☒	☐	☐	☐
2	February 8, 2022	February 8, 2022 email noting that first matrix penalty of $500 had been paid	☒	☐	☐	☐
3	March 4, 2022	March 4, 2022 copy of additional license conditions signed	☒	☐	☐	☐
4	March 3, 2022	Signature Copy of RES 22-311imposing additional license conditions as part of the approving adverse action	☒	☐	☐	☐
5	May 9, 2022	May 9, 2022 Notice of Violation and Request for Imposition of $1,000 Matrix Penalty	☒	☐	☐	☐
6	May 6, 2022	STAMP - Ownership/Zoning Information	☒	☐	☐	☐
7	N/A	Screenshot from Eclips System with License Contact and Address	☒	☐	☐	☐
8	May 4, 2022	License Group Comments Text	☒	☐	☐	☐
9	March 8, 2022	March 8, 2022 letter requesting surveillance video	☒	☐	☐	☐

[1] Note: Exhibits 24, 25, 26, and 27 are stored on a flash drive that will be physically transmitted to the City. The remainder of the record will be transferred electronically.

Exhibit No.	Date	Description	Received	Not Offered	Offered Not Received	Under Seal
10	March 28, 2022	March 28, 2022 letter requesting surveillance video	☒	☐	☐	☐
11	April 20, 2022	April 20, 2022 letter requesting surveillance video	☒	☐	☐	☐
12	April 21, 2022	Email from Eric Hudak to Manager about Camera Service History	☒	☐	☐	☐
13	August 18, 2021	Note of Camera Service - August 18, 2021	☒	☐	☐	☐
14	November 1, 2021	Note of Camera Service - November 1, 2021	☒	☐	☐	☐
15	February 7, 2022	Note of Camera Service - February 7, 2022	☒	☐	☐	☐
16	March 16, 2022	Note of Camera Service - March 16, 2022	☒	☐	☐	☐
17	May 6, 2021- May 6, 2022	Saint Paul Police Call Log May 6, 2021- May 6, 2022	☒	☐	☐	☐
18	March 4, 2022	Saint Paul Police Report, Case Number 22036672	☒	☐	☐	☐
19	March 5, 2022	Saint Paul Police Report, Case Number 22036746	☒	☐	☐	☐
20	March 13, 2022	Saint Paul Police Report, Case Number 22042088	☒	☐	☐	☐
21	March 18, 2022	Saint Paul Police Report, Case Number 22045710	☒	☐	☐	☐
22	May 6, 2022	Saint Paul Police Report, Case Number 22077852	☒	☐	☐	☐
23	March 5, 2022	Photo Stills from March 5, 2022 Surveillance Video	☒	☐	☐	☐
24	March 4 and March 5, 2022	Copy of Surveillance Video from March 4 and March 5, 2022	☒	☐	☐	☐
25	March 12 and 18, 2022	Copy of Surveillance Video from March 12 and 18 (Restroom hallway view)	☒	☐	☐	☐

Exhibit No.	Date	Description	Received	Not Offered	Offered Not Received	Under Seal
26	March 12, 2022	Copy of Surveillance Video from March 12, 2022	☒	☐	☐	☐
27	March 18, 2022	Copy of Surveillance Video from March 18, 2022	☒	☐	☐	☐
28	April 26, 2022	Renotification Letter from Summit Hill Association	☒	☐	☐	☐

Docket No.: OAH 71-6020-38398/In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

RESPONDENT EXHIBIT LIST

Exhibit No.	Date	Description	Received	Not Offered	Offered Not Received	Under Seal
100	N/A	Printed Photograph	☒	☐	☐	☐

RECEIVED
By: OAH on 10/05/2022 9:36am

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

October 5, 2022

Honorable Jessica Palmer-Denig
Administrative Law Judge, Office of Administrative Hearings
State of Minnesota
600 North Robert Street
Saint Paul, Minnesota 55101

Re: Simultaneous Closing Responses Due October 7, 2022 **(OAH 71-6020-38398)** In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

Dear Judge Palmer-Denig,

Mr. Brown and I have reviewed the closings we simultaneously filed on September 30, 2022 and discussed the need to file additional responses.

We wish to inform you that we believe we have covered our arguments and are waiving the additional filing that is due on October 7, 2022.

If after review, you have additional questions, please let us know.

A.L. Brown and Therese A. Skarda

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

RECEIVED
By: OAH on 09/30/2022 4:39pm

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY E-MAIL & U.S. MAIL

Shawn McDonald, being first duly sworn, deposes and says that on the 30th day of September, he served the attached **CITY'S CLOSING ARGUMENT** and a correct copy thereof in an envelope addressed as follows:

A.L. Brown
Capitol City Law Group, LLC
The Allen Building
287 East Sixth Street, Suite 20
Saint Paul, Minnesota 55101

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 30th day of September 2022

Notary Public

REGINA M. ETOLL
Notary Public-Minnesota
My Commission Expires Jan 31, 2023

OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COUNCIL OF THE
CITY OF SAINT PAUL

In re the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises Located at 857 Grand Avenue in Saint Paul
OAH Docket No.: 71-6020-38398

CITY'S CLOSING ARGUMENT

I. INTRODUCTION

Adverse action is defined as "the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license.".[1]

On May 9, 2022, the Department of Safety and Inspections ("Department") initiated adverse action on behalf of the City of Saint Paul ("City"), against the Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio and Entertainment B licenses ("Licenses") held by Randall Johnson and Matthew Prendergast, RJMP Group d/b/a Billy's On Grand ("Licensee") for the premises located at 857 Grand Avenue in Saint Paul ("Licensed Premises") by serving a copy of a Notice of Violation and Request for Imposition of $1,000 Matrix Penalty ("NOV") on Licensee.[2]

[1] St. Paul Leg. Code § 310.01.
[2] Exhibit 5-1 - 5-9.

Saint Paul Legislative Code ("SPLC") § 310.05(m)(v) contains the applicable penalty matrix for adverse actions, the first violation of the penalty matrix is a presumptive penalty of $500, the presumptive penalty for a second violation in twelve (12) months is a $1,000 fine, the third violation within eighteen (18) months is a 10 day suspension and a $2,000 fine and a fourth violation within twenty-four (24) months is revocation. The penalties are presumed to be appropriate in every case, but the code does allow Council to deviate. Under SPLC § 310.05 (ii) all violations alleged and/or incorporated in the NOV are considered under the presumptive penalty for the applicable appearance, although the "occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion".

The NOV sent to the Licensee indicated that the Department was requesting the imposition of the presumptive penalty for a second violation which is a $1,000.00 matrix penalty based on 4 (four) separate violations of License Conditions and SPLC.[3]

II. FACTS

The Licensed Premises at 857 Grand is owned by East Mall Associates/Bill Wengler.[4] On June 1, 2020 RJMP Group Inc. was granted License Number 20200000158.[5] License Number 20200000158 covers the Licenses held by the RJMP Group Inc. for the Licensed Premises. Randall Johnson and Matthew Prendergast ("Licensee") are equal owners in RJMP Group Inc.[6] Wesley Spearman ("Spearman") is currently the managing operator of the Licensed Premises. He has a management agreement with the Licensee and has applied for the Licenses currently held by Licensee for the Licensed Premises.[7]

---

[3] Exhibit 5-1 - 5-10.
[4] Exhibit 6-1, Testimony of Bill Wengler, August 16, 2022, 1:42.
[5] Exhibit 8-1.
[6] Exhibit 8-1 (4-7-2020 entry), Testimony Hudak 8-15-2022, 39:50 - 40:00.
[7] Testimony of Wesley Spearman, August 16, 2022, 32:45, Testimony Hudak, 8-15-2022, 1:01:32.

On February 1, 2022 the City took adverse action against the Licenses held by Licensee for the following violations:

- Failure to maintain order under SPLC 409.08(5) and SPLC 310.06 (b)(8) operating the licensed premises in a manner that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public in relation to a sex act on the patio area of the Licensed Premises.

- Failure to maintain order under SPLC 409.08(5) and SPLC 310.06 (b)(8) operating the licensed premises in a manner that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public in relation to a fight inside the Licensed Premises that involved multiple people and security using a chemical irritant to control the crowd; and

- Failure to take reasonable and adequate steps to prevent alcohol from leaving the Licensed Premises under SPLC 409.08 (15).[8]

This matter was resolved by the payment of a fine and agreement to additional license conditions. The additional license conditions were imposed by the Saint Paul City Council through RES 22-311 on March 2, 2022.[9]

Just 3 months later, on May 9, 2022, the Department again initiated adverse action against the Licenses held by Licensee for the Licensed Premises after a number of violations of license conditions and SPLC were identified by the Department. The license conditions and SPLC sections that support the current adverse action include:

- Every licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business.[10]

- Each on-sale shall have the responsibility of taking reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage, and the failure to do so may subject such licensee to adverse action against his or her license.[11]

- License condition #3 which requires that the "Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for

[8] Exhibit 1-4, 1-5.
[9] Exhibit 2-1, 3-1 - 3-2, 4-1 - 4-3.
[10] SPLC 409.08 (5)
[11] SPLC 409.08(15)

the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials, and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requester within 48 hours.[12]

- License condition #6 which requires that the "License holder shall ensure no alcoholic beverages leave the licensed liquor service area(s)".[13]

- Failure to comply with any condition set forth in the license, violation of any of the provision of SPLC or of any statute, ordinance or regulation reasonably related to the licensed activity.[14]

- Engaging in or permitting a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.[15]

- When the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.[16]

- The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.[17]

The Department, through the NOV requested the presumptive penalty of $1,000.

The NOV listed 4 (four) separate incidents as the basis for adverse action:[18]

---

[12] Exhibit 3-1
[13] Exhibit 3-1
[14] SPLC 310.06(b)(6)(a)
[15] SPLC 310.06(b)(6)(c)
[16] SPLC 310.06(b)(7)
[17] SPLC 310.06 (b)(8).
[18] Exhibit 5-6 - 5-8.

- Alcohol leaving the liquor service area on March 5, 2022 in violation of license condition #6 and SPLC section 409.08.

- Failure to provide access to all cameras on the property and failure to have the means to make a copy of video requested by SPPD officers on March 13, 2022 in violation of license condition #3.

- Failure to provide a complete copy of video, specifically channels 24 and 29 when requested by DSI on March 18, 2022 and failure to maintain the surveillance systems in violation of license condition #3.

- Failure to manage the Licensed Premises in a manner that provides a safe environment for patrons and the public.

III. **The City has met its burden and shown by a preponderance of the evidence that on March 5, 2022 alcohol left the service area in violation of license condition #6 and SPLC §409.08.**

Sergeant Graupman ("Graupman") and Licensing Manager Eric Hudak ("Hudak") provided testimony on this violation. Hudak testified that he reviewed the March 5, 2022 incident and observed violations related to alcohol leaving the service area.[19] Graupman testified that he has been with SPPD for just over 22 years, has held a number of different assignments, and is currently assigned as the police liaison to the Department. Graupman testified that he understands the legislative code, understands licensing requirements, that he has been to and investigated many incidents related to alcohol and understands why alcohol is regulated.[20]

Graupman testified that a normal part of his job is to review citizen complaints, district summary reports related and other information related to licensed premises in the city. He stated that he reviewed a number of Saint Paul Police case numbers ("CN") after incidents involving the Licensed Premises were brought to his attention.[21] He

[19] Testimony Hudak, 8/15/2022 1:26:29.
[20] Testimony Graupman, 8/15/2022 2:49:42
[21] Exhibits 18-1, 19-1, 20-1, 21-1 -21-6, Testimony of Graupman 8/15/2022 2:53:13.

created a report detailing the cases he reviewed, his findings and pulled still photos off of video to support his findings.[22] While he found the violations identified in the NOV, he testified that he did not find violations in all of the CN's he reviewed. For example, a potential violation under CN 22036672 was unfounded.[23]

The CN for the incident that gave rise to the allegation that alcohol was allowed to leave the Licensed Premises was CN 22036746.[24] Graupman testified that he reviewed that CN as part of an aggravated assault report in which an individual had been shot on March 5, 2022. He documented in his report and testified that he and Hudak drafted a letter requesting video, obtained the video from Spearman, that it took a couple days of his time to review the video and that while there was no evidence to infer that the aggravated assault took place on the Licensed Premises, he did observe alcohol leaving the Licensed Premises.[25] Graupman testified as to the process he used to identify the specific incidents where alcohol was allowed to leave the Licensed Premises. He testified that while he could not say for certain that there was alcohol in the cups and that the can was an alcoholic beverage, based on his knowledge, it was his opinion that that he identified incidents where alcoholic beverages were allowed to leave the Licensed Premises in his report and in the snipped photos he provided. As for the can, Graupman testified that due to the low quality of the video he was unable to identify the brand.[26] Graupman also testified that Exhibit 23-4 was significant to him because this was an exit and he did not see security persons in this area and he did not see any trash

---

[22] Exhibit 22-1 - 22-12, 23-1 - 23-8.
[23] Exhibit 18-1.
[24] Exhibit 19, Testimony Graupman, 8-15-2022, 3:05:09.
[25] Testimony Graupman, 8-15-2022, 3:11- 3:39, Exhibit 22-4, Exhibit 23-1 - 23-8, Exhibit 24
[26] Testimony Graupman, 8-15-2022, 3:29 - 3:30:40.

cans in the area and that it was concerning to him that the individual with the can in his hand was allowed to exit the Licensed Premises because he was exiting onto Grand Avenue and a residential neighborhood.[27] He testified that he looked for security people and trash cans because trash cans are very often an easy way for security to deal with someone who has paid for an alcoholic beverage. Often they don't want to get rid of the beverage because they paid for it and security can give them the option of either throwing it or consuming it without littering. He also testified that he sees this type of set up "a lot".[28]

Luke Ponder ("Ponder"), the head of security for the Licensed Premises, testified about the security procedures in place at the Licensed Premises. He stated that the primary concern was safety and that they had security posted at each door and trash cans at individual exits. It appears from Ponder's testimony that the goal of the policies are to have security present at each exit at all times and have patron's dump their drinks in the trash can to ensure that no alcoholic beverages leave the building.[29] Ponder indicated that a shooting took place outside of Billy's on March when the shooting incident took place 10-12 security guards responded and estimated that this left 2 or 3 security guards to monitor the rest of the Licensed Premises.[30]

General Manager Charles Gilbert ("Gilbert") testified that he looks to Mr. Ponder for security issues, and that Billy's has 18 (eighteen) stock keeping units (SKU's) that reflect beverages served in cans. Gilbert also highlighted that while he wasn't present when the March 5, 2022 shooting took place, the Licensed Premises has a number of

---

[27] Testimony Graupman, 8-15-2022, 3:41:54 - 3:42:51.
[28] Testimony Graupman, 8-15-2022, 3:42:51 - 3:43:55.
[29] Testimony Ponder, 8-16-2022, 11:58 - 13:05.
[30] Testimony Ponder, 8-16-2022, 19:55 - 20:38.

measures in place to ensure that alcohol doesn't leave the Licensed Premises including staff trained to keep eyes on the patio, entrances and exits and that staff apparently moves in a figure 8, from point to point observing entries and exits.[31]

The video, testimony of Graupman, Ponder and Gilbert show that security left the patio exit depicted in exhibits 23-4 - 23-8 unattended after an individual was shot just outside of the Licensed Premises.[32] While the Licensed Premises had measures in place to ensure that alcohol did not leave the Licensed Premises, the security measures that Ponder and Gilbert referred to failed on March 5, 2022 and patrons exited the premises with alcoholic beverages. Common knowledge and experience supports the conclusion that individuals present in a bar close to the 2 a.m. closing are not drinking soda pop. Graupman's observations and the violations he flagged in his report were based on his experience and training, he has no stake in the outcome of this matter and his testimony was credible. The City has met its burden and a finding that on March 5, 2022 the Licensee allowed alcoholic beverages to leave the Licensed Premises is warranted.

IV. **The City has met its burden and shown by a preponderance of the evidence that on March 13, 2022 Licensee failed to provide access to all cameras on the property and failed to have the means to make a copy of the video requested by Saint Paul Police Officer Albert Lyfoung who was investigating an assault on a patron at the licensed premises that had occurred on March 12, 2022.**

SPPD Officer Albert Lyfoung ("Lyfoung") offered testimony regarding this violation. He stated that he has been a Saint Paul Police Officer for 12 years and discussed the various roles he has held within SPPD. Lyfoung testified that on March 13, 2022, he was investigating a call for service regarding an assault at Billy's. He

[31] Testimony Gilbert, 8-16-2022, 21:38 - 26:00.
[32] Exhibits 23-4 - 23-8.

stated that he created a report as part of his investigation and identified his report.[33] He testified that it was not a complete copy, just a public narrative. He also stated that he had reviewed his report and that the incident was fresh in his mind. Lyfoung testified that he and his partner had responded to an assault call at Billy's and that they met with a victim. The victim told them that she was assaulted the night before by another client at Billy's. Lyfoung testified that he investigated the assault by talking to the victim. The victim told Lyfoung that she was assaulted between the bar area and the hallway leading to the bathroom area. He testified that when he saw that there were cameras on the premises he approached one of the staff members to see if he could access the video. Lyfoung testified that staff told him that at that moment there was no one at the scene - but they would make a phone call and someone would come. Staff did call someone and Lyfoung was able to identify Spearman as the individual who showed up and assisted with the video. Officer Lyfoung stated that Spearman guided them to the upper level where the CCTV system was and showed them cameras. Lyfoung testified that he believed that Spearman was cooperative and doing his best, but he was not able to show 2 cameras. Lyfoung testified that he asked for a copy of the video and that Spearman was not able to make that copy for him. Lyfoung testified that he was aware of the license condition related to the video and that he asked for the video because it was an assault and that, in his opinion was a serious incident.[34] Lyfoung testified that it was his opinion that if the cameras that were not functioning, were functioning, he would have

[33] Exhibit 20-1.
[34] Testimony Officer Lyfoung, 8-15-2022, 2:24 - 2:33.

been able to find out more about the assault he was investigating in that he would have had a clearer view of where the assault happened.[35]

Lyfoung's testimony highlights the importance of maintaining working security cameras. Given their importance, simple measures, like checks before a shift change with a requirement for an immediate call for service should have been part of the Licensee's procedures for managing the Licensed Premises. The Licensee should have also ensured that the thumb drives necessary to provide video footage were available for managing operator Spearman or required that Spearman had these items on hand.

Lyfoung has no stake in the outcome of this matter. He testified that he wrote his report because there was a victim who wanted to make a report of an assault.[36] His testimony was credible and he appeared genuine. Spearman's testimony was also credible on this issue. He admitted that he was unable to make the copy requested by Lyfoung because he didn't have a thumb drive in stock.[37] Spearman also testified that he understands the security plan the Licensee is responsible for and knows which cameras that are a part of it and that when cameras were offline, he investigated. Spearman testified that Exhibit 12-17 was part of the results of that investigation.[38]

The testimony of both sides established that the Licensee failed to provide access to all cameras and failed to provide a copy of video after a serious incident. As such a finding that the City has met its burden and proven that on March 12, 2022, the Licensee violated license condition #3 when he failed to provide access to all cameras

---

[35] Testimony Officer Lyfoung, 8-15-2022, 02:45:45.
[36] Testimony, Officer Lyfoung, 8-15-2022, 2:41.
[37] Testimony Wesley Spearman, 8-16-2022 41:09.
[38] Testimony Spearman 8-16-2022 1:04:51

on the property and failed to have the necessary thumb drive on site to make the copy as requested by SPPD Officer Lyfoung is warranted.

V. **The City has met its burden and shown by a preponderance of the evidence that on March 18, 2022 the Licensee failed to provide a complete copy of video requested by the Department and failed to maintain the surveillance system.**

The exhibits admitted into evidence and testimony of Graupman, Hudak and Spearman established that on March 18, 2022 there was an incident in which the Ramsey County Sheriffs who were working off duty at the Licensed Premises requested emergency assistance. 19 SPPD squad cars responded to or toward the scene and Senior Command staff reviewed the incident.[39]

It was unrefuted that:

- On March 28, 2022 the Department requested a copy of "continuous, uninterrupted video footage from all camera views of your camera surveillance system" from 11:00 p.m. on Saturday March 12, 2022, until 12:30 a.m. on Sunday March 13, 2022 and from 11:30 p.m. on Friday, March 18, 2022, until 1:00 a.m. on Saturday, March 19, 2022 from the Licensee and Spearman.[40]

- On April 20, 2022 a letter from Hudak was hand delivered to the Licensed Premises notifying Licensee and Spearman that the video request made by the Department on March 28, 2022 was not satisfied in that the "video footage you submitted did not include views from cameras #24 and #29 - 1,2,3,4.".[41]

- That Spearman provided Hudak with service invoices from August 18, 2021, November 1, 2021, February 7, 2022 and March 16, 2022.[42]

- That the service invoice from March 16, 2022 states in the notes "3/17/22 - Quad camera #29 is down. Power cycled quad camera unit and verified that camera is back up."[43]

- That Hudak responded to these submissions on April 21, 2022 and told Spearman that "In summary, the reports do not substantiate that camera #24 was inoperable on 3/12/2022 or 3/18/2022, or that camera #29 was inoperable on

[39] Exhibit 21-1 - 21-6, Exhibit 22-5.
[40] Exhibit 10-1.
[41] Exhibit 11-1.
[42] Exhibits 13-1, 14-1, 15-1 and 16-1.
[43] Exhibit 16-1.

3/18/2022 and asked Spearman if there were any other service reports he could provide.[44]

- That the video from cameras #24 and #29 was not produced.

- That Spearman admitted he understood the Licensee's surveillance plan, that he provided a copy of video from all cameras he had available, but that he failed to provide a complete copy of video requested by the Department as cameras #24 and #29 were not working. [45]

- That the Licensee failed to ensure that the security system was in good working order.

The importance of the surveillance system and the need for policies and procedures that ensure it is properly functioning were discussed above. The failure of the Licensee to produce a complete copy of the requested video and the failure to maintain the security system is a violation of license condition #3. As such a finding that the City has met its burden and proven that on March 28, 2022, the Licensee violated license condition #3 when he failed to provide a complete copy of the requested video and failed to maintain the video system is warranted.

VI. **The City has met its burden and shown by a preponderance of the evidence that the Licensee has failed to manage the Licensed Premises in a manner that provides a safe environment for patrons and the public.**

Municipalities have "broad discretion in determining the manner in which liquor licenses are issued, regulated, and revoked." Bourbon Bar & Café Crop. v. City of St. Paul, 466 N.W.2d 438, 440 (Minn. Ct. App. 1991). The City of Saint Paul, through its City Council has adopted specific guidelines as to when adverse action is appropriate including when:

[44] Exhibit 12-1.
[45] Exhibit 10-1, Testimony of Graupman, 8-15-2022, 3:54:11 -3:55:39, Testimony of Spearman, 8-16-2022, 56:17 - 1:07.

- There is a failure to comply with any condition set forth in the license, violation of any of the provision of SPLC or of any statute, ordinance or regulation reasonably related to the licensed activity;[46]

- The Licensee Engaging in or permitting a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn;[47]

- When the activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner;[48]

- The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.[49]

These provisions were noticed as part of the basis for adverse action in the NOV. The evidence and testimony in this matter has highlighted management practices that violate the above sections of the legislative code. The goal of these provisions are to ensure that Licensees manage the Licensed Premises in a manner that protects neighbors from exposure to the side effects detailed in the testimony of Hudak and Graupman. As Hudak testified, while the Department works with managers, the Licensee is the ultimate responsible person for the Licensed Premises.[50]

Oversight of the Licensed Premises is the ultimate responsibility of the Licensee, RJMP. Testimony in this case highlighted a number of unique facts that also contribute to the basis for adverse action:

- The Licensee skipped out on his lease with Wengler. While this didn't concern Spearman who entered into an agreement with the Licensee and paid money for the inside interior and equipment.

---

[46] SPLC 310.06(b)(6)(a)
[47] SPLC 310.06(b)(6)(c)
[48] SPLC 310.06(b)(7)
[49] SPLC 310.06 (b)(8).
[50] Hudak Testimony, 8-15-2022.

- Wengler, who has the ownership for the bricks and mortar of the Licensed Premises failed to notify the Department when the Licensee stopped operating, instead, Wengler entered into a lease agreement with Spearman.

- The Licensee does not appear to be taking any responsibility for the License. He appears to have absented himself wholly from the business. He did not appear before the ALJ in this matter and when asked, Spearman stated he talked with him - but was unaware of where he was.

- The Licensee is attempting to extort $75,000 for the return of the license.[51]

The Department worked with the Licensee after an earlier shooting incident outside the Licensed Premises in an attempt to address issues.[52] The Department took adverse action on February 1, 2022 for violations that are very similar in nature to the ones in the present NOV. Despite these efforts by the Department, the incidents alleged in the NOV show that the Licensee is failing to manage the Licensed Premises as evidenced by the lack of management practices that failed to ensure security held their posts and maintained oversight over entry and exit points, failed to implement practices that ensured the alcohol stayed on the Licensed Premises, failed to ensure that the Licensed Premises was secured and patrons were safe during an incident that related to a shooting directly outside the Licensed Premises, failed to implement policies that would have prevented multiple instances of video equipment failures - including a failure that potentially impacted an assault investigation, failed to stock media that would have allowed a copy to be made for SPPD and as such, a finding that the Licensee has failed to manage the Licensed Premises in a manner that provides a safe environment for patrons and the public on behalf of the City is warranted.

VII. **Conclusion**

The City submits that it has shown by a preponderance of the evidence that:

---

[51] Testimony Spearman, 8-16-2022, 48:33 - 50:48.
[52] Testimony Hudak, 8-15-2022, 55:59.

- the Licensee, as the individual responsible for the conduct of his place of business, has failed to take reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage in violation of license condition #6 and SPLC Section 409.08,
- the Licensee the licensee failed to comply with license condition #3 by failing to maintain his video surveillance equipment and failing to provide a complete copy of requested video,
- the Licensee has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity from which an inference of lack of fitness or good character may be drawn,
- the activities of the Licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare and
- the Licensee allowed the licensed business to be operated, maintained or permitted conditions that unreasonable annoyed, injured or endangered the safety, health, morals, comfort or repose of any considerable number of members of the public.[53]

For all of the foregoing reasons, the City believes it has shown by a preponderance of the evidence that imposition of the presumptive $1,000 matrix penalty is appropriate. The City respectfully requests this Court recommend imposition of the $1,000 matrix penalty.

VIII. **Public Comments**

Pursuant to Saint Paul Legislative Code § 310.05 (c), members of the public were permitted to submit written statement regarding this matter. This section provides that "The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing." Public testimony was permitted in this matter both in person and through written submission. The Department is not addressing the public statements and testimony presented as it is focusing on the facts alleged to have occurred on the Licensed Premises.

[53] SPLC §§ 409.08 (5), (15), Exhibit 3-1 - 3-2, SPLC §§ 310.06 (b)(5), (b)(6)(a), (b)(6)(c), (b)(7) and (b)(8).

Re: In the Matter of Liquor on Sale - 291 or More Seats; Liquor on Sale - Sunday; Liquor on Sale - 2AM Closing; Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand, for the premises located at 857 Grand Avenue in St. Paul

OAH 71-6020-38398

_____

TRANSCRIPT OF

ADMINISTRATIVE HEARING
BEFORE JUDGE PALMER-DENIG
^ Dates?
(TESTIMONY ONLY)

Tracy A. Schmitz, RPR
SchmitzCourtReporting@gmail.com
651.238.9113

The following is the transcript of the Testimony Only Audiotape of the Administrative Hearing held in the above-referenced matter; transcribed by Tracy A. Schmitz, RPR and Notary Public, County of Ramsey, State of Minnesota, to be used in the above-entitled matter.

I N D E X

Licensing Manager Eric Hudak
Direct Examination By Ms. Skarda - 3
Cross-Examination By Mr. Brown - 53
Redirect Examination By Ms. Skarda - 197
Recross-Examination By Mr. Brown - 198

Officer Albert Lyfoung
Direct Examination By Ms. Skarda - 88
Cross-Examination By Mr. Brown - 95
Redirect Examination By Ms. Skarda - 108
Recross-Examination By Mr. Brown - 109

Sergeant Charles Graupman
Direct Examination By Ms. Skarda - 111
Cross-Examination By Mr. Brown - 162
Examination By Administrative Law Judge - 188
Redirect Examination By Ms. Skarda - 195

William Wengler
Direct Examination By Mr. Brown - 203

Luke Ponder
Direct Examination By Mr. Brown - 209
Cross-Examination By Ms. Skarda - 220

Chuck Gilbert
Direct Examination By Mr. Brown - 221
Cross-Examination By Ms. Skarda - 228

Wesley Spearman
Direct Examination By Mr. Brown - 232
Cross-Examination By Ms. Skarda - 245
Examination By Administrative Law Judge - 253
Recross-Examination By Ms. Skarda - 255
Redirect Examination By Mr. Brown - 259

P R O C E E D I N G S

(Oath administered.)

ADMINISTRATIVE LAW JUDGE: Please be seated. Go ahead and state and spell your full name as well.

MR. HUDAK: My name is Eric Hudak; Eric, last name H-u-d-a-k. I'm the licensing manager for the City of St. Paul.

ADMINISTRATIVE LAW JUDGE: Thank you. Ms. Skarda, you may proceed.

ERIC HUDAK,

having been first duly sworn, testified under oath, as follows:

DIRECT EXAMINATION

BY MS. SKARDA:

Q. Good morning, Mr. Hudak.

A. Good morning.

Q. To start with some of your background, how long have you been the licensing manager for the City of St. Paul?

A. I'm in my seventh year as the license manager for the City of St. Paul.

Q. Before you joined the City of St. Paul, where were you? Tell us a little bit about your employment history as it kind of relates to

the work you're doing now.

A. Sure. So previous to my employment with the City of St. Paul, I was an operations manager with the Metropolitan Airports Commission for 15 years, where I oversaw the ground transportation systems and administered and enforce ordinance that's created by the MAC.

Q. And within the City of St. Paul, what are your primary duties regarding licensing?

A. Sure. So my primary duties include oversight of eight individuals -- license inspectors and project facilitators -- that help prospective business owners gain the licensure necessary to start businesses.

I also conduct inspections on most businesses; make sure they are in compliance; answer and address complaints, and also provide education to license holders to assist in business support and issues.

Q. As the licensing manager for the City of St. Paul, are you required to know what -- what's required of our licensees under our legislative code --

A. Yes.

Q. -- so that you can recognize violations?

A. Yes, I am.
Q. And how -- what's your experience as far as do you have any idea -- I know we've been in COVID world for a while. It's been a little different. Do we look -- do you look at a lot of different businesses, or is this just -- is it a violation and potential adverse action happens once in a while?
A. We are complaint-based. So we typically will not look or investigate any business unless we have reason to do so. So complaints could come in the form of a neighborhood complaint or a neighbor complaint. They could come in the form of a neighboring business, or it could come in the form of a police report.

So the Department of Safety and Inspections Licensing Division works closely with SPPD. They provide us information that we consider complaints, and then we look into and investigate those instances.
Q. When you look at -- you said you're complaint-based. So when you get a complaint, kind of, how do you analyze it? What do you look at? What do you look for, generally?
A. Sure. So we'll look for potential licensing

violations. We'll look at the impact or which department or division would appropriately respond to such a complaint, and then move from there.

Q. And can you give us an example of the variety -- the types of complaints you get about licensed businesses. We'll relate it to alcohol, in general --

A. Sure.

Q. -- because that's what we're here for today.

A. Yep. So those complaints could include nuisance or neighborhood culpability complaints, such as noise. They could include activity in and around the licensed business. They could include over-service for a bar. They could include for, say, for instance, an auto repair facility, excessive cars or cars being parked on the street. Anything that might be generated by the licensed business that might cause, again, neighborhood ^ ?ability or nuisance concerns.

Q. So we're here today to kind of go over DSI's request for adverse action against all the licenses held by RJMP for the premises at 857 Grand. Are you familiar with the licenses

that that establishment holds?
A. Yes, I am.
Q. And are you familiar with the licensee?
A. Yes, I am.
Q. And who is the licensee?
A. The licensee is a corporation called RJMP, which is owned by Randall Johnson and Matthew Prendergast.
Q. And have you met those individuals?
A. I have.
Q. And who, generally, has been the point of contact for the licensee, RJMP?
A. Randall Johnson.
Q. And are -- you're familiar with the licenses that RJMP holds?
A. I am.
Q. And what licenses does RJMP hold?
A. They hold an on-sale liquor license, an on-sale Sunday sales license, an on-sale patio license, an on-sale 2 a.m. license, an Entertainment B, and a gambling location license, which is somewhat ancillary to the other licenses.
Q. And these licenses are all issued and regulated by DSI?
A. Yes.

Q. And what I'm going to ask you to do is, can you turn to Exhibit 5-1 through 5-10 in your book. When you're there, let me know.
A. Yep, I'm there.
Q. Okay. What is this exhibit?
A. This exhibit is a notice of violation and request for imposition of a thousand-dollar matrix penalty.
Q. What does Exhibit 5-1 tell us?
A. 5-1 is an affidavit of service that lists the number of individuals that were notified of the violation.
Q. And can you go over each individual and entity that was noticed and tell us, if you know, what role the individual plays in the business and why they're in the notice.
A. Yep, I can.

So the first one is the licensed establishment itself; Billy's on Grand, at 857 Grand.

The second is Randall Johnson's home address. Again, the primary license holder.

The third is East Mall Associates, which is the property owner that owns the property in which Billy's operates.

The fourth is Wesley Spearman; Mr. Spearman's home address.

And the third [sic] is Monica Haas, the executive director for the Summit Hill Association, which is a district council in the City of St. Paul.

Q. And are you familiar who East Mall Associates is?

A. It's my understanding that it's owned by an individual named Bill Wengler; William Wengler.

Q. I'm going to have you look at Exhibit 5-2 through 5-10 and tell me if you know what that is.

A. Yeah. So this is a notice of violation that was issued on May 9th of 2022 that states the penalty that's been recommended, the basis for those penalties, and a list of the violations in which the penalties were (inaudible).

Q. This document, this notice of violation, is something that the department generally requests be sent out to licensees when it's taking adverse action?

A. Correct; through the City Attorney's Office.

Q. And is the reason for this to kind of provide an all-inclusive road map for the licensee?

Is that fair to say?
A. It is.
Q. And does it give the licensee the options that the licensee has to address the alleged violations?
A. Yes, it does.
Q. Are you aware -- this is actually the notice of violation that was sent to the licensee. Are you aware of the choice that the licensee made in this matter?
A. To hold the hearing that we're in now.
Q. And were there attachments that were sent out with the request for the adverse action?
A. Yes, there were.
Q. And does the notice of violation list those attachments also?
A. It does.
Q. I'm going to just kind of go over our code a little bit. Our code lists potential penalties under 310.05(m)(1); is that correct?
A. Yes.
Q. And what is the applicable matrix penalty for this matter?
A. It would be a second matrix penalty.
Q. And so that means that the Department is

recommending adverse action against the licenses for something that happened after there was a previous violation; is that correct?

A. Correct, within a 12-month period of the first violation.

Q. And is this recommendation for the thousand-dollar penalty standard?

A. It is.

Q. And under our code, could you have asked for something else?

A. Yes.

Q. And does the Department generally go with the standard recommendation, or do they deviate upward or downward, something else?

A. Typically, standard.

Q. And when you looked at this investigation -- we'll just call it, because we're going to pick it apart a little bit -- did you make the recommendation to go with the standard $1,000 penalty? Was that your decision?

A. Yes.

Q. I'm going to have you look at Exhibit 5-3 and 5-4.

(Inaudible due to audio buffering.)

BY MS. SKARDA:

Q. I'll just have you look under the bolded "The Department believes." What are these different provisions of code and conditions? What does that pertain to?

A. So these -- on Exhibit 5-3, they talk about licensed conditions and the provisions of St. Paul Legislative Code that serves as the basis for the imposition of the thousand-dollar fine.

Q. And these are, kind of, listed on your request for adverse action? You identify what you believe was violated; correct?

A. The Department does.

Q. And can you tell us which provisions of code and license conditions the Department believed were violated, based on its investigation?

A. Sure. So Section 409.085 ^ . Do you want me to read ...

Q. If you -- yeah.

A. All right. Which states that a licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business.

The next is 409.08, Subsection 15,

which states: Each on-sale shall have the responsibility of taking reasonable and adequate steps to provide persons from leaving a licensed premise with a bottle, can, or glass containing any alcoholic beverage, and the failure to do so may subject such licensee to adverse action against his or her license.

The next is a licensed condition. It's License Condition No. 3, which states that the licensee will create a video surveillance camera and lighting placement plan, video surveillance plan for the interior and the exterior of the licensed premises. Licensee will submit the video surveillance plan to the St. Paul Police Department (SPPD) liaison with the Department of Safety and Inspections, DSI, for review and appropriate -- or excuse me -- review and approval.

In accordance with the approved video surveillance plan, the licensee will ensure that video surveillance camera system is in good working order; ensure it is recording 24 hours per day; ensure it can record surveillance video in a commonly used, up-to-date format; and ensure that accurate

date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of 30 days.

If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, the licensee shall have the technology, materials, and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

The next is License Condition No. 6, which states, of your license recently added. This is a recently added license condition. It was added in response or as a result of the previous adverse action. It's due to the previous violations.

It states: License holder shall ensure no alcoholic beverages leave the licensed liquor store or (inaudible).

The next is 310.06, which sets forth all the reasons under which adverse action can be placed. Adverse action will be placed on

one or more of the following reasons.

Q. And you can just kind of summarize. If you could summarize the reasons, the bases in each. You don't need to read the rest verbatim.

A. Got it.

So 310.06(b)(5) ^ supports adverse action. The licensee has failed to comply with any licensed condition.

Section 310.06(b)(6)(a) ^ supports adverse action when the licensor, applicant, or person who's imputed to or is hired by or representing the business has violated (inaudible) Section 310.06(b)(16).

Oh, That's what I described. Sorry.

310.06(b)(7) supports adverse action when activities in the licensed premise created a serious danger to public health, safety, and welfare.

310.06(b)(8) supports action when the licensed business -- the way in which such business is operated maintains or permits conditions that unreasonably annoy, injure, endanger the health and safety of the public.

Q. So we have license conditions, and we have ordinance guidance -- we'll call it -- or

rules; is that correct?

(Inaudible due to audio buffering.)

A. The one -- this is really the original application of the license itself. If there are objections to a license that's being applied for during what we call the notice period. So these are Class M licenses; licenses that have a more intense use in the city or may impact neighbors or may have a more intense use or attract more activity in an area are called Class M licenses.

We issue notice on them, that those license applicants or those applications have been filed. This provides those that are within a prescribed distance of where that licensed activity will take place to submit comments or objections to that proposed activity. If those comments or objections are received by -- it's called the legislative hearing officer in the city, then a legislative hearing is held. At that legislative hearing, the applicant comes in and can talk about the concerns that were raised and so can the individuals that raised those concerns.

One result of that activity or of that

hearing could be that the legislative hearing officer makes a recommendation that licensed conditions be placed on the license. Licensed conditions are typically a higher standard or more restrictions -- right? -- than what's typically in the legislative code.

So should that happen, then that legislative hearing officer would then make a recommendation to our city council. The city council is the entity that ultimately approves or denies the license, and they accept those recommended conditions, may discard them. They have the ability, the final authority, to issue the license and/or adjust anything that the legislative hearing officer may have proposed.

The other way in which licensed conditions are put on a license are through adverse licensing actions. So if there's an occurrence where there's a violation, or there's action taken by the City, that action could include not only a monetary fine, suspension, but license conditions as well, or proposed conditions that would bolster the operation or hold the license holder to a higher standard to address those problems that

existed.

BY MS. SKARDA:

Q. I'll have you take a look at Exhibit 6-1. Can you tell me what that is.

A. This is a screenshot from what we call a SCAMP^ software. That's run by Ramsey County. And it states who the actual property holder is of that property location.

Q. In this case, is it fair to say that you use this information to figure out who is in charge of the bricks and mortar?

A. Correct.

Q. And you said it comes from Ramsey County. Do you mean the information is fed into SCAMP ^ from Ramsey County?

A. That's my understanding, yes.

Q. And I'm going to have you take a -- could you summarize how you used Exhibit 6-1 when you recommended adverse action.

A. 6-1 was used to determine who the property owner of record is and to notify them of the adverse action that was being recommended.

Q. I'm going to have you look at Exhibit 7-1 and 7-2 and tell me if you recognize that.

A. Exhibit 7-1 is a screenshot of the licensing

software used by the Department of Safety and Inspections.

Q. What does that tell us?

A. This shows who the licensee is, what they're doing business as, the name of business, and then the actual license holders. It lists Randall Johnson and Matt Prendergast as the responsible parties.

Q. And 7-2 tells us what?

A. 7-2 is another screenshot from the same licensing software, which shows the address of the business and then a couple of fields where notes are placed by the Department of Safety and Inspections and the City Attorney's Office.

Q. If you look at 8-1 through 8 -- 8-1. Sorry. Do you recognize that?

A. I do. This is a licensure condition text.

Q. And is it fair to say that this isn't all-inclusive, but it has a good history of what the license is under this licensee?

A. Correct. These are entries that are put in by DSI staff that note things that are maybe outside of the regular order of business, such as renewals or payment of renewal notices that go out.

Q. And you have pretty good -- do you believe you have, based on your experience, a pretty good grasp of what has gone on with the licenses for Billy's while Mr. Johnson and Mr. Prendergast have held the license?

A. I do.

Q. And can you tell us -- just give us a little bit of history, based on your recollection and the work you've done.

A. Sure. So I -- when I cited the -- this license issue, I believe, in June of 2020 --

MR. BROWN: Sir, I'm having a hard -- difficult time hearing. I don't know if ...

ADMINISTRATIVE LAW JUDGE: Okay.

(Inaudible.)

A. So the initial license was issued to RJMP in June of 2020. It was real -- it was kind of in the middle of COVID. At that time, there were some bars that were closed. The Governor's orders closed down some. There was activities that were taking place throughout the city that were cause for concern.

There was a homicide that took place in the street in front of Billy's that was not in any way connected to them that -- from a

licensing perspective or licensing investigation. Shortly thereafter, we met with Randall Johnson and Matt Prendergast to discuss what took place, to offer support, to educate on what their responsibilities were. After that meeting, it's my understanding that they hired Ramsey County Sheriff's deputies to help bolster and ensure that the management was conducted in a safe and healthy environment.

Q. I'm going to stop you there. When you say "we" met with Randall Johnson and Matt Prendergast, who was that?

A. Like, Sergeant Chuck Graupman and myself.

Q. Is that normal for you to meet with licensees?

A. It is.

Q. And why do you make -- or how do you make the decision whether you're going to meet with a licensee or file an adverse action? Kind of, what's the spectrum on your decision-making process?

A. Sure. So as a result of any incidents that are brought to our attention that are serious in nature, that pose a threat to health and welfare, we'll look into that. We'll make a determination as to whether or not that license

holder should be engaged. If there's services, if there's things that we could share with them, best practice, offer advice. Certainly, the police have more of a hand in where there may be criminal activities in our own licensed businesses, but we certainly have our number as well.

Q. So it sounds like there was this homicide. It couldn't be connected to Billy's. So you had a meeting with the licensees, Johnson and Prendergast. And that was in -- do you recall the time frame?

A. It was, I believe, late summer of 2020.

Q. And then was all well after that?

A. Not necessarily. There were other incidents. There's instances in which complaints were received, incidents, complaints, the mobility complaints and that for Randall.

Q. I'm going to have you take a look at 1-1 through 4-3, respectively. Tell us if you recognize those documents.

A. Sure. 11-1?

Q. 1-1.

A. Oh, 1-1.

Q. Sorry. After the beginning. I put these

together, but I should put them together (inaudible). So sorry.

A. It's okay. If I'm there.

Q. Take a look at Exhibits -- what's respectively Exhibit 1, Exhibit 2, Exhibit 3, and Exhibit 4. Tell me if you recognize those documents.

A. 1, 2, 3, and 4?

Q. Yes.

A. I do.

Q. And tell us what each of those documents are and give us some background as to, kind of, how they came to be.

A. Sure. So Document 1-1 appears to be a notice of violation that was issued on February 1st, 2022, which recommended a $500 fine and the imposition of license conditions.

Q. Okay.

A. Exhibit No. 2 is an email from a DSI staff member, indicating that the fine associated with that violation had been paid.

Q. Okay.

A. No. 3 is a list of license conditions that were imposed through that violation and were signed on March 4, 2022, by Mr. Spearman.

And No. 4 is the council resolution

that codified or memorialized the action taken.
Q. So who is -- who was involved in Billy's at this point in time, February 1, 2022?
A. What's my understanding? The management?
Q. Yes.
(Reporter's Note: Indiscernible simultaneous cross-talk between Ms. Skarda and the witness.)
A. So there's a management -- it's my understanding, there's a management agreement that was signed between DWD Group, which essentially is Mr. Spearman and Mr. Gilbert, and RJMP, Inc. So RJMP, Inc., through this management agreement, allowed Messrs. Spearman and Gilbert to manage the bar.
Q. And were you during this time -- or do you know when Randall Johnson signed this management agreement with DWD?
A. I believe it was -- I want to say either May -- April or May of 2021, I believe.
Q. So we have three different entities, basically. We have the East Associate -- East Mall Associates; correct?
A. Correct. Property owner.
Q. Which you've testified is Mr. Wengler. And you

believe he owns the brick and mortar?
A. I do.
Q. And we have the licensee, RJMP, and then we have the management agreement that was signed to have Mr. Spearman and his associate, DWD Group; correct?
A. That's correct.
Q. Have you ever, based on your experience, seen a kind of a setup like this, where you have three different individuals?
A. There have been at times when there's what we call a transfer of ownership. So licenses are not transferable, but when one person is going to buy -- or a group is going to buy a bar from another group, at times there's what we call a management agreement that's signed by those two parties to allow that incoming -- the prospective applicant that has not yet been issued a license to operate the bar while that application process goes forward.
Q. And at the time of this notice of violation, are you aware of why the Department took action and what action it took?
MR. BROWN: Objection. Can we get clarity on which violation she's referring to?

ADMINISTRATIVE LAW JUDGE: Ms. Skarda?

MS. SKARDA: Certainly.

BY MS. SKARDA:

Q. Mr. Hudak, at the time of the notice of violation that you're currently testifying about, which is the previous violation, depicted in Exhibits 1-1 through 1-36, are you aware of what action the Department took and why?

A. Sure. So it was the recommendation of a $500 fine and license conditions due to violations that took place in October and November of 2021.

Q. And why did the Department take action? What were the violations?

A. The violations were based upon the license condition and ordinance provision violations.

Q. And what were those specific violations?

A. Sure. So Violation No. 1 -- I'm looking at Exhibit 1-4 -- was permitting a person in a licensed premise to conduct -- essentially, allowing a lewd act. A lewd act took place on the patio. That was the first violation.

Q. Okay.

A. The second violation was failure to maintain

order due to fights that were taking place within the licensed establishment.

The third violation was the licensee's failure to take reasonable steps to prevent persons from leaving the licensed premise with alcohol or open containers.

Q. And --

A. That serves as ...

Q. -- you testified that this violation was resolved?

A. It was resolved.

Q. And when a violation is resolved, how are they resolved, and are the violations deemed proven or true?

A. Yep. So as we indicated --

MR. BROWN: Objection; compound.

A. -- earlier in all the notices --

ADMINISTRATIVE LAW JUDGE: Okay. I'm going to stop because I have to rule on the objection. I'm going to sustain the objection. If you could break that up into two parts.

MS. SKARDA: Absolutely.

BY MS. SKARDA:

Q. So I'm going to have you turn to Exhibit 2-1 and tell me what that is.

A. 2-1 is an email from DSI front counter staff to DSI licensing staff and the City Attorney's Office that the fine that was recommended in the notice of violation has been paid.
Q. I'm going to have you turn your -- turn back to Exhibit 1-7. We have four options to proceed. And I'm going to ask you if you can tell me how this violation was resolved, if you know.
A. So No. 2 in Exhibit 1-7 gives the option that the license holder can pay the $500 matrix penalty and agree to the additional license condition. That is the method by which they resolved this adverse action, the first adverse action.
Q. Just one moment.

And is it your understanding that when a licensee pays the violation or agrees to additional conditions, then that is resolved and admitted to?
A. Yes.
Q. Why did you recommend additional conditions?
A. We recommended additional conditions due to the --

(Inaudible due to audio buffering.)

BY MS. SKARDA:

Q. -- what was going on, or did you meet with Mr. Johnson?
A. Yes, over the phone and other means. We've had multiple conversations regarding those conditions.
Q. Can you tell us what Exhibit 4-1 is.
A. Exhibit 4-1 is Resolution 22-311, city council resolution.
Q. And is it fair to summarize that that's a summary of the adverse action taken and its resolution?
A. Yes.
Q. I want to kind of turn our attention -- turn your attention to the violations that make up the basis for the adverse action that brings us here today. And that notice of violation, as you've previously testified, is on Exhibit 5-1. How many potential violations are discussed in that -- the notice of violation that we're here for today, which is dated May 9, 2022, and is part of Exhibit 5?
A. Four.
Q. And is it correct that under our code, each violation could be deemed a separate violation and would be either considered additional on

the penalty matrix or aggregated in one notice and a basis -- a potential basis for upward departure?

MR. BROWN: Objection; vague, compound.

ADMINISTRATIVE LAW JUDGE: Break it down. I'm going to sustain the objection, and if you could just rephrase it.

MS. SKARDA: Yep. I'm just trying -- sometimes I just try and go too fast, so ...

BY MS. SKARDA:

Q. So under our code, can -- if I have four violations, can you describe how they could be handled under the code?

A. They could be treated individually under the code.

Q. And if we treated these violations under the code individually, where would we be on the penalty matrix?

A. Treating them individually could lead to a recommendation for what we call an upward departure in the penalty matrix, which would essentially be the recommendation for a higher penalty.

Q. And you didn't recommend an upward departure in this case, did you?

A. No.
Q. And can you tell us why?
A. The part -- I believe that the penalty under the penalty matrix was appropriate for the violations that took place.
Q. And we've already talked about Exhibits 5, 6, 7, and 8, respectively, are notes and how they relate to the current violations.

But as part of your job duties --

(Interruption; discussion off record.)

BY MS. SKARDA:
Q. As part of your job duties, do you review police reports and make recommendations for adverse action against licensees on behalf of the Department?
A. I do.
Q. And at some point, did the Department become aware of these potential license violations that could give rise to adverse action against the licenses held by RJMP?
A. Yes.
Q. And do you recall how you became aware of that?
A. Police reports. So information from Sergeant Chuck Graupman.
Q. Do you recall what you did?

A. We reviewed the reports and requested camera surveillance footage.
Q. And when you say "Sergeant Graupman," can you just tell us a little bit about who he is and how he interacts with the Department.
A. Sure. Sorry. Sergeant Graupman is a sergeant of the St. Paul Police Department that's assigned to DSI to help DSI with matters that may overlap or involve police issues or operations and licensing operations.
Q. And when you reviewed the police reports, I think you testified that you also reviewed video. Am I correct?
A. We requested video and reviewed it, correct.
Q. And what about the reports made you think that you needed video?
A. The activity that took place. So the potential license violations that may have taken place. We asked for video to look at what happened prior to that, how it was managed during the incident, and anything that may have took place after.
Q. And is requesting video from licensees or the managers something you do in the normal course of business when incidents like the ones you

reviewed occurred?
A. Yes.
Q. And describe -- is this something extraordinary that happens, or is this something you'd describe as more of a daily duty?
A. It's very ordinary.
Q. I'm going to have you look at Exhibit 9-1 and tell us what that is, if you recognize it.
A. This is a letter sent March 8, 2022, to DWD Group from myself requesting the video surveillance.
Q. Now, you sent that letter to DWD Group. Did you copy anyone on that letter?
A. Yes.
Q. Can you tell me or explain why you sent it to the manager and who you copied and why.
A. Sure. So it was sent to the manager because the manager, obviously, has access to that footage, can produce the footage or provide it to us. Notice was also sent to the license holder as the ultimate responsible party and the person who's ultimately held responsible for the operation of the bar.
Q. And is that kind of standard, the way you do it?

A. Yes.
Q. And did you get the video you requested?
A. Yes, but it was incomplete. So we received a portion of the video. I just wanted to make sure that I wasn't confusing it with their previous request. In this case, it was incomplete. The video that was submitted was incomplete.
Q. I'll have you look at Exhibit 10-1. Can you tell me what that is.
A. This is another letter dated March 28, 2022, to DWD Group asking for surveillance footage. This copy is very bad.
Q. Oh.
A. So ...

MS. SKARDA: Is your ...
MR. BROWN: They're both terrible.
MS. SKARDA: Terrible?
MR. BROWN: Yeah.
MS. SKARDA: Okay.
MR. BROWN: (Inaudible.)

BY MS. SKARDA:
Q. If you need to look at these two, I'm happy to give you my two. I did not ...
A. So this was a request for video on March 28th

for the specific time periods.
Q. Can you read the time periods?
A. Yep. They are from 11 p.m. on Saturday, March 12, 2022, until 12:30 a.m. on Sunday, March 11, 2022.
Q. And did you get the video you requested for that?
A. It was incomplete.
Q. Okay.
ADMINISTRATIVE LAW JUDGE: I want to clarify. I think you said through Sunday --
(Inaudible due to audio buffering.)
BY MS. SKARDA:
Q. -- Sunday, March 13th. That's correct?
A. That's correct. Yep.
Q. Thank you.
Licensing Manager Hudak, as you're testifying, if you don't have a clear copy, please let me know.
A. Okay.
Q. I actually made my own, so ...
A. Sorry.
Q. So you didn't get a complete copy of the video.
I'll have you look at Exhibit 11-1. Is that any clearer?

A. It is.
Q. Can you tell me if you recognize 11-1.
A. This was a letter sent on April 20th, 2022, to DWD Group stating that the video request was not satisfied, and that being the video request that was asked for on March 28, 2022.
Q. And what was not satisfactory on that video request?
A. There were camera views from two individual cameras that were not included. They were Camera No. 24 and Camera No. 29, both which showed views of the ingress and egress, the entry and exits, to the bar.
Q. I'm going to go back to Exhibit 9-1 and have you look at that again. Is it your testimony that that video was incomplete or that request was satisfied? I just want to be clear.
A. That request was satisfied.
Q. And is it your testimony, as I'm understanding it, that the request made in Exhibit 10-1 was not satisfied?
A. That's correct.
Q. And you, essentially, gave the licensee another chance to produce the video; correct?
A. Yes.

Q. And that's done in Exhibit 11-1; correct?
A. Yes.
Q. Do you do that a lot?
A. No.
Q. And why did you do it in this case?
A. I wanted to ensure that Billy's and DWD Group had the opportunity to provide that camera footage that was missing. There are times when we ask for camera footage that's incomplete, and the license holder or the management staff will ask us to give them additional time to provide that. In this case, it wasn't asked for, but we initiated that. I asked through this letter if they could satisfy that request.
Q. I'm going to have you look at Exhibits 12-1 to 12-3 and tell me if you recognize it.
A. Yeah. This is an email exchange between myself and Wes addressing the missing camera footage.
Q. And by "Wes," you refer to as -- Mr. Spearman?
A. Mr. -- thanks. Yes.
Q. Am I safe to say -- you called him Mr. Spearman a few times. You called him Wes a few times. Were you on a first-name basis with Mr. Spearman?
A. Yeah. Yep. We've had a lot of correspondence.

Q. So tell us about this exchange and why it's relevant.
A. Sure. So this exchange wanted the views -- the cameras that I mentioned earlier, the missing views from those cameras. We provided additional time in which to submit those views or that footage.
Q. Basically, is it your testimony that you were explaining -- strike that.

I'm going to have you --

(Inaudible due to audio buffering; 1:19:21.)

BY MS. SKARDA:
Q. -- and, if so, how they relate to this email exchange?
A. I do recognize them. In response to the request for the missing footage, Wes provided documents that talked about or that noted maintenance issues with the camera system.
Q. And did you find these three exhibits relevant as they related to failure to provide the complete video on those dates?
A. I did not. None of the notes in the maintenance reports indicated that there was an issue with those cameras on the date that the

request was made -- or for which the request was made.

Q. And based on your inability to get all of the video you requested, did you believe that --

(Inaudible due to audio buffering.)

BY MS. SKARDA:

Q. -- characterize this type of a violation. Is it something you see quite often?

A. Every so often.

Q. And, generally, is it something you bring adverse action for?

MR. BROWN: Objection; relevance.

ADMINISTRATIVE LAW JUDGE: Overruled. You can answer.

A. Yes.

BY MS. SKARDA:

Q. I'm going to have you look at 17-1 through 17-3. Tell me if you recognize it and what it is.

A. 17-1, -2, and -3 are documents from the St. Paul Police Department. That was the number of calls for service at the location.

Q. And are the St. Paul police case numbers you reviewed -- Exhibits 18-1, 19-1, 21 -- 20-1 and 21-1 through 21-6?

MR. BROWN: Objection; leading, assumes facts not in evidence.

ADMINISTRATIVE LAW JUDGE: I think it sort of --

(Inaudible due to audio buffering; 1:22:05.)

BY MS. SKARDA:

Q. So I'm going to have you look at Exhibit 18-1 and tell me if you recognize it and what it is.

A. Yes. This is a police report, an incident report from the St. Paul Police Department, for an incident that occurred on March 4, 2022.

Q. And when you were looking at -- dealing with Sergeant Graupman and looking at violations that had come in through the police department, as you testified, and complaints, did you review this report?

A. I did.

Q. And what was this report about?

A. I'd like to have, I guess, your copy because this one's ...

Q. Is yours ...

A. I think they're all ...

Q. Okay.

A. (Inaudible.)

Q. No. I was going to say, do you want to see mine?
A. Yeah, I do. Thank you.
This was a police report indicating police officers addressing an accident on the side of the road.
Q. And did that incident become a part of the notice of violation?
A. It did not.
Q. And why didn't it?
A. It was deemed that the information contained in that report didn't have any direct connection to the operation or management of Billy's.
Q. Why did you look at it to begin with?
A. It was brought to my attention through the --
(Inaudible due to audio buffering; 1:23:57)
BY MS. SKARDA:
Q. And so that's -- so you requested the video then; correct?
A. Correct.
Q. And did you review this video or did Sergeant Graupman?
A. We both would.

Q. And that's normal in the course of business?
A. Yes.
Q. And what were you looking for when you reviewed the video?
A. Any connection to the woman's over-service. If the woman that was in the accident was served at Billy's and if she was over-served. If there was any information that would be directed -- or pointed to that fact.
Q. Is that something you normally do as part of your duties?
A. We do. Over-service is that kind of complaint.
Q. But do you look at every DWI?
A. No.
Q. So why did you look at this one?
A. Because of the ongoing issues with Billy's.
Q. I'm going to have you look at Exhibit 19-1. And, first of all, tell me if you can read it.
A. 19-1, you said?
Q. Yes.
A. I want to see your copy.
Q. (Inaudible.)
A. So this is a report -- 19-1 is a report from the occurrence on March 5th in which an individual was shot or shots fired at the

location or near the location.
Q. And did you learn about this from the police report, or did you learn about this incident some other way?
A. I learned about it through the police, and there were complaints that were called in to the Department.
Q. And tell us what you did to look at this incident --
(Inaudible due to audio buffering/stuck.)
BY MS. SKARDA:
Q. -- and then what conclusions you came to.
A. Sure. So, again, when we are given information, instances of which there might be potential license violations, we'll ask for video.
Q. And was the video produced in this incident [sic]?
A. Yes.
Q. And did you review the video?
A. I did.
Q. And did you find a connection between the assault and anything Billy's did?
A. No, we did not.
Q. Did you find a connection or a violation based

on what you reviewed in the video?
A. The missing video. There were other violations that were discovered on the video.
Q. And what were those violations --
(Inaudible due to audio buffering.)
BY MS. SKARDA:
Q. Okay. I'm going to have you look at Exhibit 20-1.
A. This is a report indicating that on 3/13 of 2022, approximately 5:30 p.m., squads responded to Billy's for an assault report that was no longer in progress. When the police officers asked for a copy of the video, Billy's staff were unable to produce it.
Q. And did you -- do you recall reviewing this report?
A. Yes.
Q. And do you recall what action you took after reviewing the report?
A. Requesting the video.
Q. And do you recall -- or based on your training and experience, is failure to produce video a violation?
A. In this case, due to the license condition, that was regulary [sic], yes.

Q. Why, if you have an opinion, would it be important for a licensee to produce video when an officer comes in and requests it?
A. So in serious incidents such as this where an individual is assaulted or an individual fires a gun or commits any other kind of criminal activity, it's important for those police officers to get as much information as they can as early as they can to identify and let others know that might be looking for the suspect.
(Inaudible due to audio buffering; 1:28:24.)
BY MS. SKARDA:
Q. Is this type of condition on other liquor licenses in the city?
A. Yes, many.
Q. And is it on other types of licenses?
A. Yes.
Q. And when the Department generally analyzes whether or not to put that type of condition on, what are you looking at?
A. Looking at previous history, previous activity at the licensed establishment, whether or not imposing such a condition could improve the health, safety, and welfare of the public that

is within that area.
Q. I'm going to have you just talk a little -- I'm going to ask you a couple more questions about the violations of the alcohol leaving the premises. Under our legislative code, do I get to have -- could you look at the violations as one specific incident, or does the code give you flexibility to look at them as something that might aggregate the penalty?
A. The code gives us the flexibility to look at an aggregate.
Q. And you watched the video there?
A. Yes.
Q. That was -- I'm sorry. You watched the video that was provided in conjunction with the request for this date?
A. Portions of it, yes.
Q. And do you have an opinion -- so did you observe what you believed to be alcohol taken off the licensed premises?
MR. BROWN: Objection; leading.
ADMINISTRATIVE LAW JUDGE: So it is. At the same time, I think Ms. Skarda is trying to get to where or what the violation was. I'm going to sustain the objection and have

you rephrase it.

MS. SKARDA: Sure.

BY MS. SKARDA:

Q. So I'm going to have you turn back to Exhibit 5-1, Exhibit 5, and look at each violation. I'm going to have you look at page 5-6. Can you tell me how many separate times you observed what you believed to be alcohol leaving the licensed premises?

A. Four.

Q. And what about what you saw in the video made you think it's alcohol leaving the licensed premises?

A. Well, in the video, the video described or showed an individual getting a drink from a bartender and then walking out. All these individuals had open -- sorry -- open containers. All these individuals were seen walking out of the licensed premises with open glasses -- glasses or cans.

Q. And you testified that the first violation that resulted in a $500 matrix penalty also had alcohol leaving the licensed premises?

A. Yes.

Q. And I might have asked you already, but is

alcohol leaving the licensed premises a violation that you have brought adverse action against other licensees for?

A. Yes.

Q. Why do you think it's important, if you have an opinion, to keep alcohol within the licensed premises?

A. Alcohol, being a controlled substance, needs to be controlled. It needs to be monitored. It needs to be known where it's going, who it's being given to, how it's being distributed. It could lead to issues or problems -- taking alcohol off the licensed premise could result in giving it to someone that's underage, giving it to someone that's already inebriated, bringing it into a vehicle and driving away; all serious public safety issues.

Q. And I'm going to turn our attention to the final violation that you observed and asked to be part of the notice of violation. I'm going to have you look at 17-1 and 17-3 and tell me if that's something you included in helping form your decision-making when you decided whether or not there was a fourth violation?

A. Exhibit --

(Inaudible due to audio buffering; 1:33:41.)

BY MS. SKARDA:

Q. -- trying to parse and part questions, so ... Violation -- I'm going to have you look at Exhibit 5-7 and tell us what Violation No. 4 is.

(Inaudible due to audio buffering/stuck; 1:34:02.)

A. -- premise and provides a safe environment for patrons and the public.

BY MS. SKARDA:

Q. So can you summarize what information contained in these exhibits you used, how you weighed the decision, the interactions you might have had with the licensee, et cetera?

A. Sure. So this leads to the police reports. The police reports served as the basis to request the cameras, which showed surveillance footage, which led to the determination or identification that violations occurred.

Q. And when you decided to recommend adverse action based on having an unsafe environment, what factors did you think about?

A. Alcohol leaving the premise and the activities

taking place inside, such as any kind of altercations or problems that existed inside, the failure to provide the camera footage (inaudible). All of those were concerns.

Q. And would --

A. And if I could add, I guess, the repeatedness -- right? So they had the violation earlier, and now to have that again, the same thing occur a couple months later, was also considered to be irresponsible of the license holder -- or the manager in this case.

Q. So, finally, let's just talk a little bit about the progression of violations. If this license was -- has a thousand-dollar matrix penalty imposed -- so let's say one or all of these violations are recommended as being proven, it's a thousand dollars; correct?

A. Yes.

Q. And let's say there's another violation tomorrow of alcohol leaving the premises, what's the next jump in the matrix penalty?

A. It would be a $2,000 fine and a 10-day suspension.

Q. And then after that, what's the next jump in the matrix penalty?

A. Revocation if all those take place within a 48-month prescribed time period.
Q. And what does revocation mean for the license at Billy's?
A. Revocation for the license at Billy's would result in the inability to serve hard liquor for a period of 15 years.
Q. So what is hard liquor?
A. Hard liquor would be bottled, distilled liquor; vodka, rum, whisky. Anything other than beer or wine.
Q. And they still could serve food; correct?
A. They could serve food, yes. They could continue to serve food.

MS. SKARDA: Your Honor, if I could just have one moment.

BY MS. SKARDA:
Q. Licensing Manager Hudak, is there anything that I haven't asked you that you think is important for the judge to know?
A. Not that I can think of at this point.
Q. Thank you.

ADMINISTRATIVE LAW JUDGE: Thank you.

So it is 12:30, and I've been sort of monitoring to see when would be a good time to

take a break, but I didn't want to interfere with the flow of the pace. It seems to me that this is a good time to stop, give you a chance to get out of this room, get something to eat, if you want to do that. I think that our cafeteria in our building is still closed; however, there are other places that you can go nearby to get something to eat.

And I know Officer Lyfoung is coming at 1:00. So my thought is to go ahead -- because we don't have offerings to offer you in the building, to give you an hour to do the runs or do whatever you need to nearby, and then come back at 1:30 and start with Officer Lyfoung, get him on and off the stand, and then bring Mr. Hudak back up for cross-examination.

Mr. Brown, does that work for you?

MR. BROWN: I don't (inaudible) to the Court. I prefer to do my cross immediately after.

ADMINISTRATIVE LAW JUDGE: I know. I know, but concern, though, is if we keep running, we're not going to take any break at all. And while I have a tendency to do that, it's not good for everybody when we do that.

Ms. Skarda?

MS. SKARDA: I'm very open to pushing Officer Lyfoung back. He works nights.

(Discussion off record.)

CROSS-EXAMINATION

BY MR. BROWN:

Q. Good afternoon, Mr. Hudak, or it's still -- yeah. Good afternoon, Mr. Hudak.

A. Good afternoon.

Q. I want to start at -- just generically speaking, you've had many conversations with Mr. Spearman; true?

A. True.

Q. And (inaudible) from that Mr. Spearman has been cooperative; is that right?

A. Yes.

Q. And respectful?

A. Yes.

Q. And open to various solutions?

(Inaudible due to audio buffering; 1:40:00.)

BY MR. BROWN:

Q. -- one by one. And I'm going to start from No. 4, Exhibit 5-7, page 7 of that exhibit. Is it fair to characterize it as kind of a

catch-all?
A. Violation No. 4?
Q. Correct.
A. Correct.
Q. And it's pretty routine that you put in quite a few of the adversary actions; is that right?
A. That would include those? Could you restate.
Q. Is it fair to say that Violation No. 4, which is what we just described as the catch-all, is -- it would be pretty routine for you to put that in an adversary action; is that right?
A. Not necessarily. But, yes, used quite often. I wouldn't say routine, but, yes, it's used for sure. Yes.
Q. We know the allegations that you believe support a violation of 310.06, an adverse action when a licensee fails to comply with any condition set forth in the license. Those would be limited to Violations 1 and 2 and 3; correct?
A. Correct. You said 1, 2, or 3?
Q. 1, 2, and 3.
A. I would say or 3.
Q. Fair enough.
A. All right.

Q. The 310.06(b)(6), which is, essentially, referring to the following state statute or ordinance. What do you believe supports that?
A. This Exhibit 5-7?
Q. Exhibit 5-7, page 7.
A. So -- all right.
Q. I'm walking you through -- so you can see where I'm going, I'm walking you through each of the --
A. Yep. Which paragraph? Are you talking about 6 -- (b)(6)?
Q. Correct.
A. (Inaudible) supports that. They'd be in violation of state statute.
Q. What state statute?
A. It would be -- probably 340A is the state statute.
Q. What particularly -- what specifically did the licensee do that violated the statute you just quoted?
A. Allowing liquor to leave the licensed premises.
Q. So that would go to Violation No. 1; is that correct?
A. Yes.
Q. Anything else that you believe?

A. No.
Q. Let's go down to 310.06(b)(6)(c)^ . What do you believe supports that?
A. The failure to provide video; the inability to provide video. Repeatedly allowing alcohol to leave the licensed premise.
Q. Is there a state law that requires -- or any law that requires them to have video outside of -- we're talking about laws, not licenses. Is there any law that requires them to provide you with video?
A. Provided me with what? I'm sorry.
Q. Video.
A. Not to my knowledge, no.
Q. So let me ask the question again. When we're talking about a violation under 310.06(b)(6)(c),^ can you please tell the Court everything you believe that the licensee has done that is engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity.
A. Allowing the alcohol to leave repeatedly.
Q. So that, again, goes to Violation No. 1; is that right?

A. Yes.
Q. Any other violation that would fall in that category?
A. (Inaudible.)
(Inaudible due to audio buffering; 1:44:36.)
BY MR. BROWN:
Q. -- supports an adverse action where licensee, essentially, has created serious dangers to public health. When did the licensee do that?
A. Again, the alcohol leaving the licensed premises and not being able to provide officers video upon request, and not providing full video to DSI by request.
Q. So you read 310.06(b)(7) to suggest that if you don't provide video, you have created a serious danger?
MS. SKARDA: Objection, Your Honor. Asked and answered.
ADMINISTRATIVE LAW JUDGE: Overruled.
A. I believe it could create serious danger in that it does not allow the police department to do their job in an effective and efficient manner.
BY MR. BROWN:

Q. So you would apply that particular provision to both 1 -- Violation No. 1 and Violation No. 2, and 3; is that right?
A. I suppose 3 could be included as well.
Q. So your answer is 1 and 3 or 1 or 3? What's the answer to the question?
A. 1 and 3.
Q. Anything else?
A. No.
Q. I want you to take a moment and look over all of these regulations or statutes or ordinances that are in violation of the four and just make sure that you capture everything that you believe constitutes a violation under these particular ordinance. And then once you've done that, just confirm it, and we can move on to the next one.
A. I've read all four and, yes, I believe, they (inaudible).
Q. So in order to understand Violation No. 4, you really have to focus on Violations 1 through 3. Is that a fair way of approaching this?
A. To understand Violation No. 1, we have to look at Violations 1 through 3?
Q. No, sir. I said, in order to understand

Violation No. 4, we'd have to look at Violations 1, 2, and 3. Is that a fair way of understanding Violation No. 4?

A. And past adverse actions.

Q. Okay. You mentioned something earlier that paying a fine was an admission. Where is that in the city code?

A. In Exhibit 5 or Exhibit -- the first adverse action?

Q. Right. I'm asking about your testimony generally. You don't need the exhibits to answer it.

A. Okay. Got it.

Q. You mentioned earlier in your testimony that the paying -- payment of a fine is the admission of the wrongdoing. Where is that in the city code? Where do you find support for that testimony?

A. That would be in 310, I believe.

Q. Okay. Whereabouts?

A. I'm not sure. 310.05. I believe hearing procedures.

Q. True or false: A business owner may choose to pay a fine just not to have to deal with the hassle? True or false?

A. That a license holder may pay the fine just to not deal with the hassle?
Q. Correct.
A. That would be a personal decision. I can't speak to in this case whether or not that happened. I don't know what his intentions were to pay the fine.
Q. I just want you to answer the question I asked and just hear me clear. I'm not trying to trick you.
A. No, I know.
Q. If you know, you know. If you don't, you don't. Okay?

True or false: A business owner may choose to pay the fine in order to not -- for a variety of reasons outside of actually having committed the wrong alleged?

A. To be done with the adverse action and just get it out of the way?
Q. Yes.
A. Yes.
Q. And you've seen that before; correct?
A. I don't know. I can't speak to the --

(Inaudible due to audio buffering; 1:49:33.)

BY MR. BROWN:

Q. -- use Exhibits 5-2 to 5-9 to kind of guide my questions.

(Inaudible due to audio buffering.)

BY MR. BROWN:

Q. Violation No. 1. Where you note at 01:53 hours, a female customer, Black female wearing all black, and white shoes, is seen exiting the front patio holding a drinking cup. Did I recite that correctly? Page 6.

A. Page 6. Could you please reference the note again. I'm sorry.

Q. I'm going to start from the bottom. So at 01:53 hours, a female customer, Black female wearing all black, and white -- wearing all black, and white shoes, is seen exiting the front patio holding a drink cup. Do you see it?

A. That's what it says, correct.

Q. What evidence do you have that there was alcohol in her cup?

A. I don't.

Q. Let's go to 01:53. A male customer, Black male wearing all black is seen exiting the front patio holding a drink cup. What evidence do

you have that that male was carrying alcohol in that drink cup?

A. None.

Q. Is the same true for 01:51, where a female customer, Black female wearing a blue jean jacket, yellow top, and pants is seen exiting the front patio holding a drink cup. You don't have any evidence that that was alcohol in that cup either, do you?

A. No.

Q. Now, the St. Paul ordinance requires that the licensee take reasonable steps to ensure that alcohol does not leave the premises. Is that correct?

A. Correct.

Q. Reasonable doesn't mean perfection; right?

A. Correct.

Q. What does reasonable mean to you?

A. In this case, reasonable would mean, sort of, the common practice of having a bouncer or other security person staged at the exits of that bar to ensure that any cup that goes out is discarded. I don't know how many must have been in those situations, but typically the practice would be to not allow any alcohol or

any -- excuse me -- any open container to leave, to ensure that there was no alcohol. That would be the expectation here.

Q. So a customer would not be permitted to leave with a cup of water?

A. If they were able to prove that it was water, I think that would be reasonable.

Q. So the issue isn't whether a cup leaves. It's what's in the cup. True or false?

A. True.

Q. Water would be perfectly legal?

A. It would.

Q. Would pose no danger to public safety?

A. No.

Q. And, in fact, might enhance public safety on any given day; true?

A. I'm not a doctor, but, yeah, probably true.

Q. I think we can agree that water's good. Thanks.

The Violation No. 1, as I was saying, the city ordinance doesn't require perfection; right?

A. Correct.

Q. And you have to take into account everything that was going on in order to figure out if

the person was acting -- if the licensee was acting reasonably; is that correct?
A. Possibly.
Q. So if there's a tornado and people decide to grab their Miller Lite on their way out the door, you wouldn't knock them for that, would you?
A. No. An Act of God, no.
Q. Okay.
(Inaudible due to audio buffering; 1:53:39.)
BY MR. BROWN:
Q. -- was distracted (inaudible).
A. I would still expect that measures take place to ensure that no additional or no violations take place, that alcohol doesn't leave.
Q. All of these four instances in which alleged alcohol left the facility occurred between 1:40 and 1:53; is that true?
A. Yes.
Q. And that's in the morning; right?
A. Yes.
Q. Do you recall what else was going on that day?
A. Yes.
Q. What happened?

A. There was a shooting, that you just referred to, that took place on the other side of the business.
Q. And what time did that occur?
A. I believe shortly prior to these (inaudible).
Q. So it would be fair for security to be reasonably distracted?
A. Yes.
Q. And that wouldn't be a violation, would it?
A. No. To be distracted? That's a variance, no question.
Q. Would you count it as a violation if security is reasonably distracted by a bleeding person who's been shot who crawled into Victoria Mall -- would you count that as a violation if a beer or a can left the premises?
A. I would count it as a violation, particularly if it just happened a couple months ago and they were cited for it. I would expect that they would take measures to ensure that that doesn't happen by the means in which I just described earlier.
Q. Did you take that into account, the fact that there was a bleeding person -- and St. Paul police had not yet arrived -- a person was

bleeding that had crawled into the mall, security was the only persons there to help -- did you take that into account before you made this a violation?

A. I knew that that event took place shortly prior to these incidents.

Q. Is that a yes?

A. Yes.

Q. And that did not change your decision to make this a violation?

A. It did not.

Q. You say at the 0:40 hours that the bartender then -- I returned ^ ? to a suspected can -- I'm, again, on Exhibit 5-6, page 6. Threw the suspected can of alcohol in the garbage. What's the evidence that there was actually a can of alcoholic beverage?

A. I believe it says "suspected," due to the fact that it was received from the bartender, that it was shown that the bartender provided the can to the customer, who then exited the building.

Q. Mr. Hudak, do you know if there was alcohol in that can?

A. No.

Q. Is there anything -- so is it fair to say that your testimony, as is related to the four individuals that purportedly left the building with alcohol in their possession, that you don't have any evidence, you don't know whether there was actually alcohol in any of those containers, the cans or the cups?
A. Correct.
Q. Okay. Let's go to Violation No. 2. Violation No. 2 deals with failure to provide cameras -- access to cameras; correct?
A. Yes.
Q. Now, there's no state statute or regulation by the city that requires cameras. The cameras are wholly a function of the license; true or false?
A. In this case, it was a requirement that was imposed upon a license by a license condition.
Q. But there are no ordinances or statutes that require a business to have cameras inside, that you're aware of?
A. Only under the imposition of conditions.
Q. Okay. So the conditions will determine the -- kind of, the scope of how those cameras must be operated; is that true?

A. Correct.
Q. I want you to go to Exhibit 3-1 to 3-2. That's Resolution 22-311 from the City of St. Paul; is that right?
A. 3-1 and 3-2?
Q. 3-1, 3-2, with the signature page being 3-3.
A. These are the conditions that were imposed and signed by Mr. Spearman. On 3-1?
Q. Oh, I think I may have (inaudible).
(Discussion off record.)
BY MR. BROWN:
Q. Let's go to 4-1. Do you recognize that?
A. I do.
Q. It's a three-page resolution from the city council; is that true?
A. True.
Q. And this is the city council's imposition of license requirements; correct?
A. In part, yes.
Q. Well, is there more -- are there more conditions?
A. Well, the fine. The fine and the imposition of conditions.
Q. Exhibit 3-2, page 2, Nos. 1 through 8, does that accurately reflect the conditions put on

the license as of the -- as of March 1, 2022?
A. The conditions referenced in 3-1 and 3-2 were a modification of previous conditions and the addition of added conditions by city council imposed by our council resolution. They used this metric.

ADMINISTRATIVE LAW JUDGE: And I need a clarification because what I heard is that we're talking about 3-1 and 3-2, but I think it's 4-1 and 4-2.

MR. BROWN: You are correct. I'm looking down (inaudible).

BY MR. BROWN:
Q. Exhibit 4-2.
A. I'm there.
Q. Paragraph No. 4. That defines the licensee's responsibility as it relates to cameras; is that true or false?
A. Part of it does, correct. Yes. True.
Q. What are the other conditions? What else might be a portion of this that's missing? What's missing?
A. There's nothing missing. This appears to be a strike-through version of the old conditions that were removed through this action and

others that were added or modified.
Q. I understand that. But just for the sake of this hearing, Exhibit 4-2, paragraph 4, that text there, would you take a moment to look at it.
A. Yeah. I need to --
Q. It's a bad copy?
A. Can you repeat the question.
Q. Take a moment and read Exhibit 4-2, paragraph 4, if you need to.
A. You can probably ask me the question.
Q. Okay. You're familiar enough with it for me --
A. Yeah.
Q. -- to ask the question?
Do you agree that this is the only thing that required the operator, the licensee, to have video cameras and provide them to the peace officers?
A. Yes.
Q. And do you agree that this defines the limits of when a -- when the licensee has to provide video to a peace officer?
A. Yes.
Q. And if it doesn't fit these limits, then the licensee is not required to cooperate; is that

true or false?
A. True.
Q. What was the serious incident that required the licensee to provide video related to the DWI, the March 4th issue?
A. So what was the basis for the request for video? To determine whether or not the individual who was in the accident was over-served.
Q. Did the -- did anyone say she was at Billy's?
A. Yes. I believe the woman, in the police report, indicated that she was at Billy's.
Q. And you found out that that wasn't true?
A. I don't know if it was true. We didn't find evidence that supported that, which would include the review of the video that we requested.
Q. I understand.

Would -- that's disturbing.

ADMINISTRATIVE LAW JUDGE: So I'm going to caution everyone in the gallery. If you want to have a conversation, you should go outside to do it. It is difficult for the attorneys.

Also, I'll note that these recording

devices are extremely sensitive and they do pick up whispering conversations in the back. I'm warning counsel about that too, in case you want to have conversation. And, typically, we lean over to our client and we talk to them, but better to have those outside because it will pick it up.

So if you need to have a conversation, you need to leave.

Okay. I'm sorry, Mr. Brown. Go ahead.

BY MR. BROWN:

Q. St. Paul police can't just show up and ask for a video any time they want; is that correct?

A. Correct.

Q. It has to be a serious incident; correct?

A. Yes.

Q. Correct?

A. Yes.

Q. And it has to be a serious incident linked to the licensed premises; true?

A. True.

Q. And the only thing that you had linking the licensed premises to this DWI was the driver's claim that she was at Billy's; is that right?

A. Yes. That's correct.

Q. Did she say when she was at Billy's?
A. I don't recall.
Q. Did she say --
A. I believe it was -- it's my understanding it was just very recently or prior to.
Q. I only want you to testify what you know.
A. Gotcha.
Q. Do you know? Did she say when she was at Billy's?
A. Yes, that night.
Q. Okay. What time was she stopped?
A. I don't know.
Q. But at the end, no connection to Billy's whatsoever?
A. Yes, there was; the fact that the woman that was in the accident indicated that she'd been previously drinking at Billy's.
Q. Okay. Fair enough.
In the end, no evidence of a connection to Billy's whatsoever?
A. Correct.
Q. The shooting on March 5th that also caused your officers to -- that caused -- that got your attention; right? No connection to Billy's whatsoever; true or false?

A. Other than the fact that the individual that got shot was attempting to, I guess, seek refuge inside Billy's.
Q. And, in fact, the security staff at Billy's --
(Inaudible due to audio buffering; 2:05:46.)
A. I am not sure. I believe he might have been. I'm not sure.
BY MR. BROWN:
Q. The bar fight that occurred on March 12-13, where did that occur?
A. In the bar area, I believe.
Q. Isn't it true that it occurred in the hallway, between two young ladies?
A. I'd have to review the report. There have been many altercations within the facility.
Q. Well, this is important. Did it happen --
(Inaudible due to audio buffering; 2:06:37.)
BY MR. BROWN:
Q. Paragraph No. 4 says that the licensee has to have cameras in the interior and exterior of the licensed premises; right?
A. Yes.
Q. The licensed premises is the bar; is that true?

A. Yes.
Q. It doesn't include all of 857 Grand; is that right?
A. That's correct.
Q. In fact, the licensee doesn't have a right to go about just plopping cameras wherever they want; is that true?
A. I don't know in this case.
Q. Okay. You'd agree that a licensee would be restricted to -- the city wouldn't impose a term that would require the licensee to do something with someone else's property? That would not be a normal charge?
A. No.
Q. Okay. And the licensee has a lease; right?
A. Yes.
Q. And so, presumably, all of the requirements -- let me finish my question -- presumably, all of the requirements related to the license would be within the leased premises; is that correct?
A. Correct.
Q. Do you know what the leased premises are?
A. Yes.
Q. Do they include the hallways?
A. They do not, but I believe the cameras are

affixed to a portion of the exterior wall of the licensed premise.

Q. Do you know who owns those cameras?

A. Pardon me?

Q. Do you know who owns those cameras?

A. I don't.

Q. But in any event, it wasn't the licensee's responsibility to put cameras in the hallway; true or false?

A. I believe it was recommended by the St. Paul Police Department.

Q. Recommended. But I'm asking you about the terms in paragraph 4. Was the licensee required to put cameras anywhere outside of the licensed premises?

A. Yes (inaudible).

Q. Tell me in paragraph 4 where it says that.

A. Paragraph -- say that again, please.

Q. Paragraph 4 of Exhibit 14.

MS. SKARDA: Your Honor, may I approach?

ADMINISTRATIVE LAW JUDGE: Yes.

MS. SKARDA: I have a clean copy.

A. So licensee will surrender video surveillance (inaudible) to the St. Paul Police Department

liaison with the Department --

(Inaudible due to audio buffering; 2:09:01.)

BY MR. BROWN:

Q. That's what I'm looking for.

A. It does not.

Q. Okay. And that would be true for allegation number -- all allegations related to the cameras. I believe that would be allegation number --

(Inaudible due to audio buffering; 2:09:42.)

BY MR. BROWN:

Q. No. I'm just asking you for the general proposition -- whether it applies to Violation No. 2, as well as Violation No. 3 -- I'm asking if the general proposition that the licensee does not have an obligation to place cameras outside of the licensed premises, is that true for both Violation 2 and 3?

A. Yes.

Q. Okay. Violation No. 2, that's when Sergeant Graupman learned of the SPPD report on March 13th that the licensed premises was unable to provide cameras. What was the

seriousness that authorized the request?
A. Which one are you referring to?
Q. I'm on Exhibit 5, page 6, under the heading "Violation No. 2."
A. I believe that was the call for service that occurred at 5:30 in the assault case.
Q. 5:30 p.m.?
A. I believe it was the 17:30 on the call for service.
Q. On a Sunday?
A. Well, let me see.
Q. Let me ask you this, Mr. Hudak. Would it surprise you if I told you March 13th was a Sunday; March 13, 2022?
A. I would not disagree.
Q. And you agree that, according to this Exhibit 5-6, an officer showed up at 5:30 on a Sunday and demanded video; is that true or false?
A. True.
Q. What was the seriousness (inaudible)?
A. An assault.
Q. And when did that occur?
A. On the 13th. The call for service was 17:20; 5:20.

Q. So the assault occurred at the same time the officer showed up, or did it occur on the 12th?
A. I don't know how they record the times here. I'm not sure.
Q. I'll tell you what I have, and you can agree or disagree with it. My understanding is that the assault allegedly took place on the 12th and the officer showed up on the 13th.
MS. SKARDA: And, Your Honor, I'm going to object. That's not in evidence.
ADMINISTRATIVE LAW JUDGE: Sustained.
BY MR. BROWN:
Q. Is it possible that the assault took place on the 12th?
A. Yes.
Q. If I showed you the police report -- you don't seem to remember, as you sit here; is that true?
A. Which report?
Q. I'm sorry. Do you recall when the assault took place?
A. Again, going from what I stated, the call for service, 5:20 (inaudible).
Q. I'm talking about the date. The date. The date of the assault.

A. Sure.
Q. Do you recall what date it was?
A. I don't.
Q. If I showed you a police report, would that be helpful to refresh your memory?
A. Yeah.

MR. BROWN: May I approach?

ADMINISTRATIVE LAW JUDGE: Yes.

MR. BROWN: I just want to show him.

(Inaudible/discussion off record.)

MS. SKARDA: I guess I would object.

ADMINISTRATIVE LAW JUDGE: All right. Let's hold because I want to make sure we get a good record.

So you're objecting to -- I believe from the conversation that you want to refresh his recollection as to when the assault actually occurred using a document that is not in evidence and you've confirmed that it would refresh his recollection to look at a document. I think the question -- and Ms. Skarda is objecting to that.

Ms. Skarda, the basis of your objection?

MS. SKARDA: The basis of my objection,

Your Honor, is it's not a document that's in evidence and it's not a document that Mr. Hudak had access to.

ADMINISTRATIVE LAW JUDGE: So the question is: Can his recollection be refreshed because he may never have seen this document and not have a recollection of it either way?

MS. SKARDA: Correct. My offer is to use the document that he had and provided as part of the request for adverse action.

ADMINISTRATIVE LAW JUDGE: All right. So I'm going to sustain the objection because it's not clear to me that he has a recollection to refresh as to necessarily when this assault occurred. And it's my understanding that there is a police officer here who can testify. Officer Lyfoung is here and that he was the officer that responded and that did the report related to this.

Mr. Hudak will still be here. I'm going to allow us to reserve this issue and come back to it, if it cannot be established through that other testimony.

MR. BROWN: That's okay. I'll share.

BY MR. BROWN:

Q. So as you sit here, you don't know when the assault took place?
A. No.
Q. Do you know where the assault allegedly took place?
A. No, not specifically.
Q. Now, Exhibit 5-2, going back again to page 6, says that the licensed premises was unable to provide access to all of the cameras on the property. They did provide access to some of the cameras, did they not?
A. I believe you may be confusing the actual submission of the video with the request of the police when they arrived. Is that what ...
Q. No, I'm not confusing it. Here's my question. Did they provide access to some of the cameras that were requested under Violation No. 2?
A. I don't believe they did, no.
Q. So what does it mean when it says that Sergeant Graupman (inaudible) SPPD officer's report that on March 13 staff at the licensed premises were unable to provide access to all cameras on the property?
A. Just that; that they were unable to provide use of -- I suppose all or any could be substituted

in that sentence.
Q. I need to know which one it was. Was it all or --
A. It's my understanding it was none. There was access to none.
And I'll just add to that --
Q. No, thank you.
(Inaudible due to audio buffering; 2:18:24.)
BY MR. BROWN:
Q. You mentioned that your -- that your process is complaint-based. Correct?
(Inaudible due to audio buffering; 2:18:44.)
A. -- types, yes.
BY MR. BROWN:
Q. Okay. What about for this license? Is it complaint-based?
A. Yes.
Q. Are you aware of a mandatory report process for (inaudible) C violations?
A. Vaguely.
Q. And who operates that mandatory reporting system? What do you know about that mandatory --

A. I'm not familiar enough, nor am I obligated as a mandatory reporter.
Q. When you say "vaguely," what do you know about the mandatory report?
A. I know that, say, for instance, school teachers are required to report some -- that's where I'm getting to the crux of (inaudible).
Q. There are two different premises?
A. Yeah.
Q. I'm not talking about offenses to children or vulnerable adults.
A. Yep.
Q. Is there a process whereby the St. Paul Police, they put you on a mandatory list -- if they suspect any code violation, they will put you on a list?
A. That was the same question. Yes, there could be a mandatory reporting location. My understanding. My limited understanding, yes.
Q. Kind of makes you a target, doesn't it?
A. Kind of makes me?
Q. Kind of makes the licensee a target.
A. Not necessarily.
Q. Heightened attention; fair to say?
A. Perhaps.

Q. Who operates the mandatory reporting system?
A. Again, outside of my purview or responsibility. I'm not with the police department.
Q. Do you know?
A. No, I don't.
Q. But you're familiar with it?
A. Limitedly.
Q. Did you request at any point that Billy's on Grand be put on a mandatory reporting system?
A. No.
Q. Are you aware that they are on one?
A. I believe I was made aware of it. Not by my request, though.
Q. Do you know --
A. Nor would it be on my request. I'm not -- I don't have that authority.
Q. I appreciate that.

Do you know Sergeant Graupman? Did you have any conversations with him about a mandatory reporting?

A. I believe he could have been the one that informed me that it was.
Q. Could he have been the one that instituted it?
A. I believe it comes from higher up in the ranks. Again, my limited understanding.

Q. When neighbors were calling to complain about the shooting that occurred at Billy's, were they advised that it had nothing to do with Billy's?
A. Not by me. Are you talking about a specific instance? I think there's been a few.
Q. Exhibit 19-1.

You said there have been a few, but have any of them been associated with Billy's on Grand?
A. There has been no direct connection.

I'm kind of looking. Are you going to reference 19?
Q. 19-1.

MS. SKARDA: May I approach?

ADMINISTRATIVE LAW JUDGE: Yes.

MS. SKARDA: I'll just leave this here.
A. I'm with you.
BY MR. BROWN:
Q. That particular shooting, the assault, you testified earlier that complaints came in to the Department regarding that shooting, and they were pointed towards Billy's; correct?
A. After the fact?
Q. Yeah.

A. Yes.
Q. When those complaints came in, did you know at the time that the shooting was unaffiliated with Billy's?
A. I wouldn't know.
Q. Okay.

(Inaudible due to audio buffering; 2:22:19.)

MR. BROWN: Judge, I think that's all I have.

ADMINISTRATIVE LAW JUDGE: All right. Thank you.

(Discussion off record; recess taken.)

ADMINISTRATIVE LAW JUDGE: We are back on the record. It is 2:03 p.m.

I understand from Ms. Skarda that Officer Lyfoung is here and that she would like to go ahead and call him. He is a subpoenaed witness, and so my inclination would be to go ahead and get his testimony then, so we can release him from the subpoena.

Ms. Skarda, are you prepared to call Officer Lyfoung at this time?

MS. SKARDA: Yes, Your Honor, I would.

(Oath administered.)

ADMINISTRATIVE LAW JUDGE: Please be seated and then state and spell your first and last names for the record.

(Discussion off record.)

MR. LYFOUNG: First name is Albert, A-l-b-e-r-t, last name Lyfoung, or Lyfoung, L-y-f-o-u-n-g.

ADMINISTRATIVE LAW JUDGE: Is there a pronunciation that is correct?

MR. LYFOUNG: The correct way is Lyfoung.

ADMINISTRATIVE LAW JUDGE: Lyfoung. Thank you very much.

Ms. Skarda, you may inquire.

OFFICER ALBERT LYFOUNG,

having been first duly sworn, testified under oath, as follows:

DIRECT EXAMINATION

BY MS. SKARDA:

Q. Good afternoon, Officer Lyfoung. You are an officer with the St. Paul Police Department; is that correct?

A. Yes.

Q. And tell me a little bit about how long you've been with the department, what your work

history is.
A. I've been with the City for about 12 years now. I started as a St. Paul police reserve officer and then moved up the rank as a parking enforcement officer, then community liaison officer, then promoted in 2016 to a police officer.
Q. And what different areas of the city have you been assigned to, and what different types of work have you done?
A. I am currently assigned to the West End District, the patrol unit.
Q. And before that?
A. I was at ACUP^ as a community liaison officer and then parking enforcement. So the whole city.
Q. And as part of your assignment, were you investigating a call for service on March -- that -- on March 13 of 2002 [sic]?
MR. BROWN: Sorry. Do you mean 2002 or two thousand --
MS. SKARDA: '22.
THE WITNESS: '22.
MS. SKARDA: Yes, 2022.
BY MS. SKARDA:

Q. Have you had a chance to review the case number associated with that incident?
A. Yes.
Q. And did you create a report as part of that -- your investigation?
A. Yes.
MS. SKARDA: And, Your Honor, may I approach, just because of the copies?
ADMINISTRATIVE LAW JUDGE: Yes, you may.
BY MS. SKARDA:
Q. Showing you what's been marked as 20-1, can you tell me if this is a complete report of your report from that night.
A. No. This is just a public narrative.
Q. And what's a public narrative?
A. It's -- the public narrative -- this little portion here gives access to the public. So anybody can review that portion. But if you're not directly involved -- my understanding, if you're not directly involved in this incident, you cannot see the actual police report.
Q. So is that incident kind of fresh in your mind that you can tell us about what you did and why you created the report you created?

A. Yes.
Q. Okay. Can you do that for us, please.
A. Mm-hmm. On that day me and my partner, Officer (inaudible), who no longer works for the City of St. Paul, we responded to a call for service for an assault call at Billy's. Upon arrival, we met with the victim. She stated that she was assaulted, not that day but the night before. And she said that she was a victim because she wasn't involved in any type of arguments prior to that, and it was just an assault randomly by another client.
Q. And so just to make sure I'm following, this is the day after the incident occurred?
A. Correct.
Q. And she made a call, and you responded, and she told you that she was assaulted the night before?
A. Correct.
Q. How did you investigate that assault -- alleged assault?
A. We first talked to the victim, gathered the information needed. Then we saw that there was camera at the premises. So I approached one of the staff members there to see if they can

access the video. They told me that at the moment -- at that particular moment, there was nobody at the scene, but she could make a phone call and have somebody arrive shortly, which she did.

Q. And did the victim -- alleged victim tell you where she was assaulted in Billy's?

A. Yes. It was between the bar area and the hallway leading to the bathroom area, if I can recall correctly.

Q. So you talked to the person at Billy's that was working when you were there on the 13th, and they called somebody and they came?

A. Yes.

Q. And do you recall who showed up?

A. The owner.

Q. Do you know who that is?

A. Yes.

Q. And do you see that person here today?

A. Yes.

Q. And can you point that person out for me?

A. Mr. (Inaudible) Spearman.

Q. And I was going to say --

A. Sorry.

Q. No. That's okay. Testifying is unnerving to

say the least. So I totally understand.

So the --

(Inaudible due to audio buffering; 2:30:41.)

BY MS. SKARDA:

Q. -- that happened between you and Mr. Spearman when you were trying to investigate?

A. Yes. When he arrived at his property, he got (inaudible), which were where the CCTV system was, and then he showed us a couple cameras within the area where the incident occurred.

Q. Was he able to show you all the cameras you wanted to see?

A. I believe two cameras that we wanted to see, he was unable to access them. And then we were able to access a different camera.

Q. And it sounds like he was very cooperative?

A. Yes.

Q. And he was trying to assist you?

A. Correct.

Q. And he was fast?

A. Correct.

Q. So at some point did you ask him to make you a copy of the video?

A. Yes. After we finished reviewing the footage

and finished wrapping up our investigation, we did ask for -- if he can make a copy of the video for us.

Q. And was he able to do that for you?

A. No.

Q. Were you aware at the time -- let me back up.

Did you put that information in a report?

A. Yes.

Q. And were you aware at the time you wrote the report that there was actually a license condition that required him to provide all the cameras that were on scene as part of his video surveillance plan -- provide you access when you were investigating?

A. Yes. We were told in roll call.

Q. And are you -- when you -- one of the conditions is that it be serious. In your opinion -- why did you ask for the video?

A. Because it was an assault incident.

Q. And is an assault incident, in your opinion, a serious incident?

A. Yes. It's a crime of violence, for me.

Q. One moment here.

MS. SKARDA: Let me think here. Just

a moment, Your Honor.

BY MS. SKARDA:

Q. Is there anything that I haven't asked you about this incident that you believe is important for the judge to know?

A. Not that I believe so.

MS. SKARDA: I don't have any other questions, Your Honor.

ADMINISTRATIVE LAW JUDGE: Mr. Brown?

CROSS-EXAMINATION

BY MR. BROWN:

Q. Officer Lyfoung, good afternoon.

A. Good afternoon, sir.

Q. What is the criteria for a serious incident?

A. What do you mean?

Q. Well, my friend asked you whether it was a serious incident that caused you to request the video. Have you been trained on what the criteria is for a serious incident?

A. Not trained, but by citizen calls that we respond to, it's characterized as -- especially an assault, it's categorized as a crime of violence.

Q. Okay. I can accept that an assault might be a serious incident, but I'm asking you a

different question. Okay. What -- who told you how to define what a serious incident was?

MS. SKARDA: And, Your Honor, I'm going to object. I believe he's already answered that there's not really a definition.

ADMINISTRATIVE LAW JUDGE: So he was asked what training he had about it, and he indicated that there wasn't really any training. I think that's a different question from who told you what a serious incident -- so I'm going to overrule the objection and allow him to answer the question.

A. Self-trained.

BY MR. BROWN:

Q. So you talk to (inaudible); is that true?

A. I -- for me, self-training, but I won't be able to answer for other officers.

Q. You said that the fight took place between the bar and the restrooms. Did I hear your testimony correct on that?

A. Yes.

Q. And you've been to Billy's before; right?

A. That was my first time.

Q. Really?

A. Uh-huh.

Q. Okay. You know that the bar and the restroom are --

(Inaudible due to audio buffering; 2:34:57.)

BY MR. BROWN:

Q. It was in the mall area, wasn't it?

A. I don't believe so. The mall -- if I recall the correct occurrences, the bar area is kind of in the middle there, and then you walk towards the bathroom. There's like a long hallway for the bathroom, and it was just before the bathroom, which was -- there was another room there, like a private room. So it occurred somewhere in between that private room -- I'd say approximately, if I have to give -- probably 20 feet away from the bar.

Q. If I showed you some pictures of the hallway to Billy's, could you mark where you believe the fight allegedly occurred?

A. Yes.

MR. BROWN: Judge, may I approach?

ADMINISTRATIVE LAW JUDGE: You may.

BY MR. BROWN:

Q. I'm showing you three pictures. These are all of the -- I'll represent to you that they're

all -- do you recognize those?
A. Yes. I do. They are the hallway to the bathroom.
Q. Do you recognize what's depicted in that -- in those photos?
A. Can you rephrase that. What do you want me to ...
Q. What does the picture show?
A. Oh, gotcha. This is the hallway down to the bathroom -- this is the same hallway to the bathroom into the door. I believe this is the door entrance to -- if I'm standing facing the bathroom, Billy's would be this way, so to the right. And then this door, I don't know which door this is.
Q. Fair enough. If you don't know, you don't know.
A. Yeah.
Q. Where did the fight occur?
A. Somewhere on the picture, this picture right here. Somewhere in here.
MR. BROWN: Judge, can we mark this?
ADMINISTRATIVE LAW JUDGE: You may.
MS. SKARDA: I have a sticker.
ADMINISTRATIVE LAW JUDGE: I have some

stickers as well. I'm happy to use yours. I'm happy to use mine. We're going to mark it as Exhibit 100.

(Exhibit 100 marked for identification.)

BY MR. BROWN:

Q. Okay. I'm going to give you a pen. In fact, I'm going to give you a highlighter, if I may.

(Inaudible due to audio buffering; 2:37:41.)

A. I won't be able to because it's not in the picture.

BY MR. BROWN:

Q. Okay. Fair enough. It's to the --

A. To the right.

Q. To the right of whatever is depicted in Exhibit E --

A. Yes.

Q. -- sorry -- Exhibit 100?

A. 100. Yes. Correct. Somewhere around here.

Q. One moment here. Let's see if I have a different photo.

I'm handing you another photo. Does that help you identify where the fight occurred? If it doesn't, it doesn't.

A. I don't think so. I'll need, like, a bigger

view.
Q. But Exhibit 100 is the best representation of where the fight occurred?
A. Yeah, correct.
Q. And if the frame --
(Reporter's Note: Indiscernible simultaneous cross-talk between Mr. Brown and the witness.)
A. Sorry. Sorry. Sorry.
BY MR. BROWN:
Q. If the frame was a little wider, you would be able to see where the fight occurred; correct?
A. Uh-huh.
Q. And that's to the right of the door that's displayed in Exhibit 100?
A. Correct.
Q. And you said approximately how many feet from that door that's displayed on Exhibit 100?
A. It will be to the right here. Possibly just -- I'll say probably five feet.
(Inaudible due to audio buffering; 2:39:13.)
ADMINISTRATIVE LAW JUDGE: -- and I just want to get some clarity on, when you say it's off to the right or it's five feet to the

right, are you saying that -- so I'm going to -- this is the document I'm looking at. Are you saying it's five feet over to this direction?

THE WITNESS: Correct. There's -- I believe, if I remember, there's two doors. It will be just a little bit right behind that door.

ADMINISTRATIVE LAW JUDGE: All right. Thank you very much. I appreciate that.

And Exhibit 100 will be admitted into the record.

BY MR. BROWN:

Q. Now, having been to Billy's before, you understand Billy's sits within a mall; correct?

A. Correct.

Q. There's other businesses there. I think there's a hair salon and a paper store. Right?

A. Correct.

Q. And that those bathrooms are bathrooms that are shared by all of the mall tenants; correct?

A. I don't know that.

Q. You don't know?

A. Yeah.

Q. Okay. Do you know if Billy's has a bathroom

within its space proper?
A. I don't know that.
Q. There was some discussion prior to you arriving about a mandatory report list. Are you aware of that?
A. Some properties are assigned mandatory lists.
Q. Was Billy's put on that mandatory report list?
A. At the time of the incident, yes.
Q. And who put them on that list?
A. I don't know.
Q. How was that communicated to you?
A. Every time you get a call for service at a particular address that is prone to mandatory risk of reporting, it will show in the call comments, yes.
Q. So you arrive on scene to deal with the reporting; you and your partner; correct?
A. Correct.
Q. When you arrive and put in the address to go deal with it, it pops up that Billy's is a mandatory report for code violations; is that right?
A. Not in that way. When you get a call for service at that address, it shows in the call comments that this is a mandatory reporting

address, and then it shows what the victim said, the person that called --

(Inaudible due to audio buffering; 2:41:26.)

A. (Inaudible.)

BY MR. BROWN:

Q. Okay. And that's what compelled you to write this report; is that true?

A. Not on this particular incident because it was an assault, and the victim wanted to make a police report.

Q. You weren't aware of the license conditions on Billy's prior to going there, were you, aside from the mandatory report list?

A. What do you mean by that?

Q. You deserve a better question. I'll give you one.

Were you aware of Billy's license restrictions?

A. Yes. We were told in roll call.

Q. You were told in roll call that --

A. Yes.

Q. -- they had cameras?

ADMINISTRATIVE LAW JUDGE: And that was a yes?

THE WITNESS: Yes.

BY MR. BROWN:

Q. Staff called Mr. Spearman; is that right?

A. Yes.

Q. And he couldn't produce the -- the staff couldn't produce the video right away; is that true?

A. Staff told me that they couldn't access the video.

Q. And then they called Mr. Spearman; is that correct?

A. Correct.

Q. Mr. Spearman arrived within ten minutes; isn't that true?

A. Correct.

Q. On March 12th, when this fight occurred, there was a Ramsey County sheriff present, wasn't there?

A. I believe so.

Q. And there was security present, wasn't there?

A. I believe so.

Q. Did they take any reports?

A. I don't know. We're not connected to Ramsey County Sheriff's Department. So I can't -- we can't access it, even if they wrote a report.

Q. But in the process of investigating this serious incident, surely you would have been curious about what a Ramsey County Sheriff had to say about an assault that took place, wouldn't you?
A. Could. Could be.
Q. You weren't curious?
A. No.
Q. So you didn't ask about a report from the Ramsey County Sheriff's Office?
A. No. Like I said, we're not tied to them, so ...
Q. But you could get the report from the Ramsey County Sheriff's Office if you were investigating an assault, couldn't you?
A. I don't believe so, at a patrol level.
Q. You could not?
A. No, not at a patrol level. I was a patrol level.
Q. You could request that someone else get it?
A. That could be a possibility. I believe so.
Q. Have you ever done that before, asked for reports from other law enforcement agencies while investigating a crime?
A. No, not at patrol level.

Q. Okay. I see. I understand.
A. Yeah.
Q. So it's a limitation of the role you play as a patrol officer --
A. Correct.
Q. -- as the person investigating; is that correct?
A. Correct.
Q. Okay. So you ask for the video. Mr. Spearman -- did he show up within ten minutes, as he said he would?
A. Yes.
Q. And this was about 5:00 on a Sunday?
A. Yeah, about 5:00, 5:30.
Q. I think we've established this, but I want to be clear. The fight occurred in the hallway; correct?
A. Next to the bathroom. Not -- I don't know if that's considered a hallway or --
Q. If I told you --
A. -- public property.
Q. I'm sorry. I didn't mean to cut you off. Go ahead.
A. Yeah. I was saying that I don't know if that's considered the hallway to the property towards

the bathroom or ...

Q. If I told you that I had a copy of your report that says it should be noted there were visible security cameras in the hallway and bathrooms that are located in -- the cameras in the hallway for the mall entrance that would have captured the female suspect's face, and other portions of your report indicate that the fight occurred in the hallway, would you have any reason to doubt what's in your report about that?

A. No.

Q. So did the fight occur in the hallway or no?

A. If it's considered a hallway, yes.

Q. Did you consider it a hallway when you wrote the report?

A. I didn't write the report.

Q. Oh, you didn't?

A. Yes.

Q. Fair.

MR. BROWN: That's all I have for you. I appreciate your time, Officer Lyfoung.

ADMINISTRATIVE LAW JUDGE: Redirect, Ms. Skarda?

MS. SKARDA: Very quickly.

REDIRECT EXAMINATION

BY MS. SKARDA:

Q. Officer Lyfoung, is it your opinion that the missing -- if the cameras that were not functioning had been functioning, do you think you would have been able to find out more about the assault you were investigating?

MR. BROWN: Objection; calls for speculation.

ADMINISTRATIVE LAW JUDGE: Overruled. You can answer.

A. We would have a clearer view of where -- how the assault happened.

BY MS. SKARDA:

Q. And then just one more question. We've been talking a lot about mandatory report.

A. Uh-huh.

Q. Does a mandatory report -- what does a mandatory report mean?

A. To my knowledge at the patrol level, it means when you respond to that particular address, for any type of incident you respond to, you have to write a report. So if it goes from disturbance to a -- some other stuff that are less of a crime -- considered a crime of

violence, you still have to write a report.
Q. Does it mean you have to find violations?
A. No.
MS. SKARDA: That's all, Your Honor.
ADMINISTRATIVE LAW JUDGE: Anything further, Mr. Brown?
MR. BROWN: Briefly.

RECROSS-EXAMINATION

BY MR. BROWN:
Q. The mandatory reporting applies to 857 Grand Avenue; is that correct?
A. Yes.
Q. And there's more than Billy's on Grand at 857 Grand Avenue; isn't that true?
A. What do you mean by that?
Q. Well, it's a mall, isn't it?
A. Correct.
Q. There's other businesses within that mall, isn't there?
A. Uh-huh.
ADMINISTRATIVE LAW JUDGE: Is that a yes?
A. Yes, sir.
BY MR. BROWN:
Q. So when an address -- if you did a search for

857 Grand, that would not differentiate between the various businesses within that mall, would it?

A. I believe so. Like I told you, it was my first time there, at Billy's.

Q. No. I'm asking a different question. I'm not asking about your time personally at Billy's. I'm asking about the application of the mandatory reporting.

A. Uh-huh.

Q. That applies to 857 Grand; is that correct?

A. Correct.

Q. And there are more than one business in that building; is that true?

A. Correct.

Q. There's multiple businesses; right?

A. Correct.

Q. So if you went to JUUT hair salon, which is also in that building, would you feel compelled to write a report about JUUT hair salon?

A. No.

Q. Why?

A. Because in the mandatory reporting, it says that it applies it to only Billy's.

Q. So the mandatory reporting singles Billy's out;

is that true?
A. Correct.
MR. BROWN: Nothing further.
ADMINISTRATIVE LAW JUDGE: All right. Thank you very much, Officer Lyfoung.
(Discussion off record.)
ADMINISTRATIVE LAW JUDGE: Ms. Skarda, how would you like to proceed now? Would you like to do Mr. Hudak's redirect or would you like to do Sergeant Graupman?
MS. SKARDA: We'll do Sergeant Graupman.
ADMINISTRATIVE LAW JUDGE: All right. Why don't you come forward, please.
(Oath administered.)
(Inaudible due to audio buffering.)
THE WITNESS: -- last name is Graupman, spelled G-r-a-u-p-m-a-n.
ADMINISTRATIVE LAW JUDGE: Thank you.
Ms. Skarda, you can proceed.

SERGEANT CHARLES GRAUPMAN,

having been first duly sworn, testified under oath, as follows:

DIRECT EXAMINATION

BY MS. SKARDA:

Q. Good afternoon, Sergeant Graupman.
A. Good afternoon.
Q. Nice to see you after these couple of years.
A. Right.
Q. Can you tell us a little bit about your occupation and how long you've been engaged as a peace officer.
A. Sure. So I was hired with the City of St. Paul in May of 2000. So I've just been here 22 years now. And I've been assigned to a number of assignments. I was a patrol officer. I worked on our SWAT team. I worked in the (inaudible) unit dealing with problem properties and street-level narcotics.

I was promoted in 2016, where I was assigned to the Eastern District patrol supervisor position, and then I worked in the assistant chief's office as an admin person, who reported directly to the deputy chief, and then was assigned to Department of Safety and Inspections as a police liaison to DSI, where I'm currently now.

Q. And as the St. Paul Police Department sergeant assigned to DSI, are you required to know our legislative code and about licenses?

A. Yes.
Q. And what kind of information do you need to know to be the sergeant assigned to DSI?
A. Yeah. So primarily what you're most familiar -- or would need to be most familiar with are licensing requirements that are placed upon businesses. Each businesses have different types of requirements. So you need to be familiar with what those are, particularly if you're investigating a property.

When it comes to the legislative code, there's a number of ordinances that apply directly to inspectors and police officers. For example, licensed businesses are required to allow police officers to inspect their property. That would be one example.

Q. And in the course of your employment with the City of St. Paul, have you been through a number of calls at establishments that are licensed to provide alcohol?
A. Yes.
Q. Any idea of how many?
A. A lot. Not exactly sure on the number but many.
Q. And have you investigated a number of incidents

related to alcohol?
A. Yes.
Q. Can you give us some examples of those?
A. Sure. So I've been assigned to the Department of Safety and Inspection for over two years now, and there has been a number of cases that I've worked on where we investigated alcohol sales or illegal sales of alcohol to underage persons. We conducted those investigations to make a determination if those allegations, in fact, did occur. And in that case, in that example, he did.

And then those investigations are then provided to the Department of Safety and Inspections, which then goes to the City Attorney's Office for review for adverse action.
Q. Do you think you have a good idea as to why it's important that alcohol is regulated?
A. Yes. So with alcohol, obviously, there's a lot of responsibility, as well as liability, for the business and the public. I believe that -- in my opinion, alcohol sales and service, with that responsibility comes added attention or added scrutiny in a public area where there

might be residential -- residents living in that area where there's alcohol being sold.

So I believe that's why it is regulated, to make sure people are law-abiding and businesses are law-abiding.

Q. And as part of your duties within the Department of Safety and Inspections, do you review citizen complaints and log reports for potential violations?

A. Yes.

Q. And is that a normal part of your job?

A. Yes.

Q. Why don't you kind of give us an overview of, kind of, coming into the office and what do you do when you're engaging in that part of your work.

A. Sure. So a typical day for me would be coming into the office. A lot of correspondence is sent through email. I do get tour summary reports from each patrol district in the city for each and every shift. So officers that respond to calls for service, if incidents are deemed significant, a tour sergeant or a street supervisor will include it in their summary.

I then will review -- not just me, but

other investigators within the City of St. Paul will review those incidents to see if they pertain to our particular assignment. That would be a morning, for an average, on me.

I then go to all -- if I found one that I needed to look into, I could pull that case number up and review that police report or speak to that investigator or that officer to get more details.

Q. And do you also get citizen reports and complaints?

A. Yes. We do get a fair number of citizen complaints. They have a number of ways that they come through to us. Some people call the police department directly. Some people contact the Department of Safety and Inspections. I get them through phone calls, emails, and sometimes in person.

Q. So we're here today to discuss DSI's request for adverse action against the licenses held by RJMP Group for what we've been referring to as Billy's. Are you familiar with this adverse action request and Billy's?

A. Yes.

Q. And I'd like to take some time to go over the

investigation you performed in relation to the adverse action. And I'm just going to tell you ahead of time that in front of you is a list of -- a packet of the exhibits.

A. Okay.

Q. I'm having a little trouble with the ability -- they didn't copy well.

A. Okay.

Q. I'll just sum it up that way. So if you can't read something and you need to, please let me know. I have it in front of me and I will get that for you, if that works.

So have you had a chance to review the notice of violation and the attachments that went out in this case?

A. Yes.

Q. And I'm going to start with Exhibits 22 and 23 and have you turn to -- in the book there. Take a look at Exhibits 22 and 23. And tell me if you are familiar with those.

A. Yes, I am familiar with this.

Q. What is Exhibit 22-1 through 22-12?

A. So looking at the first page of 22-1, it's the cover sheet for a St. Paul police incident report, which I wrote.

Q. So did you write all of those pages that are part of 22?
A. Yes. These are all my -- part of my police report.
Q. And then what is Exhibit 23?
A. 23 -- 23 are still photos from video surveillance footage that was requested by the Department of Safety and Inspections and delivered to the Department of Safety and Inspections from Billy's on Grand.
Q. Is it fair to say that Exhibit 22 is a summary of your investigation?
A. Yes. It's a coverall of a number of events or incidents that were related to this adverse action.
Q. And is it fair to say that in order to produce that summary, you had to review a number of other data points, including police reports and video?
A. Yes.
Q. And do you recall if the information on the violations that were documented in your report came to you all at once or if they came separately?
A. They came separately.

Q. And --

(Inaudible due to audio buffering.)

A. So prior to this adverse action, there were complaints that we were investigating. And some of those complaints were coming from a multitude of different areas, meaning citizens, as well as incident reports we were getting from police officers that were responding to the business. So there was adverse action. That was taken prior to the reason we're here today.

BY MS. SKARDA:

Q. I'm going to have you take a look at Exhibit 1-1 through 1-36. Can you tell us if that's the prior adverse action that you're referring to? Take your time.

A. Yes. This is familiar to me.

Q. And were you the investigating officer?

A. I was, yes.

Q. And just for the record, this is -- Exhibit 1-2 is the notice of violation or request for imposition, license conditions, and a $500 matrix penalty from February 1st of 2022; correct?

A. Correct.

Q. And so, for example, the --

(Inaudible due to audio buffering.)

BY MS. SKARDA:

Q. -- photos that are attached to this as Exhibit 1-32 are photos that you took from video provided by the licensee?

A. Yes. That's correct. These are also still images of video surveillance footage from Billy's on Grand that was requested by the Department of Safety and Inspections and delivered to DSI.

MS. SKARDA: Your Honor?

MR. BROWN: I don't think he's sworn in, the witness.

ADMINISTRATIVE LAW JUDGE: Oh. Honestly, right now I'm not sure either. All right. I think you came and we had you sit -- I'm going to go ahead -- so here's how we're going to do that. All right. I'm going to swear you in just in case. Do you remember if I swore you in?

THE WITNESS: I do. I said "I do."

(Inaudible due to overlapping speakers.)

MR. BROWN: I said yes, but ...

ADMINISTRATIVE LAW JUDGE: I thought that I had. Does anybody feel that I need to swear in Sergeant Graupman again just to be on the safe side?

MR. BROWN: Well, if he says he's under oath, and you say he's under oath --

ADMINISTRATIVE LAW JUDGE: Yes. I believe you're under oath.

MR. BROWN: -- that's good enough for me.

ADMINISTRATIVE LAW JUDGE: Do you understand and affirm that you are under oath --

THE WITNESS: Yes, I do.

ADMINISTRATIVE LAW JUDGE: -- for all of the questions you have been asked and all of the questions you will be asked?

THE WITNESS: Yes, ma'am.

ADMINISTRATIVE LAW JUDGE: All right. Thank you very much.

BY MS. SKARDA:

Q. So let's talk about your investigation. We'll start -- we'll work through it kind of sequentially.

A. Okay.

Q. I'll have you look at Exhibit 18, and this is where things might get a little muddy as far as their quality.
A. Okay.
Q. But if you can't read that, let me know, and I will bring you the copy I have.
A. Okay.
Q. Can you look at Exhibit 18, and tell me if you recognize it.
A. Yes. This is a public -- a cover sheet of a public incident report written by one of our St. Paul police officers.
Q. What is the date of that incident?
A. The date of this incident is March 4, 2022.
Q. And is that something you reviewed as part of your investigation?
A. Yes.
Q. Do you recall -- if you know or remember why it was included in your investigation?
A. Yes. There was a belief by the officers that the driver involved in this incident was at Billy's prior to the accident and had potentially consumed alcohol at Billy's.
Q. And did you document the investigation you performed in the findings in your report?

A. Yes, I did.
Q. And are your findings, with respect to this incident, contained in your report, which is marked as Exhibit 22? I believe it would be 22-3.
A. I'm just seeing it now. Yes, correct.
Q. And what were your findings?
A. In this incident, it was cleared unfounded.
Q. So tell us what you recall about this incident, about your investigation, and what that means.
A. Sure. So in this incident -- as I mentioned earlier, this report was written regarding an intoxicated person who had been involved in a driving-while-intoxicated arrest. And it was made apparent that there was the potential this driver might have been at Billy's prior to the incident and could have consumed alcohol from Billy's. And there was a concern there was over-service. So it was my job to look into that incident.

I notified DSI Licensing Manager Hudak of that. A formal video request letter was drafted. Billy's cooperated with our request and provided video. I reviewed that video. And in that video, I did not see anything to

lead me to believe that the business over-served this person prior to the crash.

Q. Do you remember seeing the person in the video?

A. Yes.

Q. Now I'm going to have you take a look at Exhibit 19. See if you can decipher what that is. And, if not, again, I have a clear printed copy.

A. This is a public incident report, (inaudible) report, cover sheet again for the public narrative, and it is for aggravated assault that occurred at 857 Grand Avenue.

Q. So you said this is a public narrative. What does that mean to you?

A. So public narratives are typically the original or the front page of our police incident reports. There's certain data that's deemed public and certain data that's non-public. During the course of an investigation, there are certain details that are not released to the public, but there are other --

(Inaudible due to audio buffering.)

A. -- incident.

BY MS. SKARDA:

Q. And when you're doing an investigation, do you

just look at this front page?
A. No. This is for if there was someone who, for whatever reason, wanted to view the report while the investigation was ongoing, this would be what they would be given. I am able to -- because I'm sworn with the City of St. Paul, I'm able to view the entire incident and the entire incident report.

Once the incident is closed and we're no longer investigating it, it then, in turn, will become public. If information needs to be redacted, it will.
Q. So I'm not able to view anything that's not public; correct?
A. Correct.

MR. BROWN: Objection. You as an individual, or you as the city attorney? In what capacity?
BY MS. SKARDA:
Q. So as the --

ADMINISTRATIVE LAW JUDGE: So let's say -- the objection is sustained. If you could make it not about you but about a person, a member of the public.
BY MS. SKARDA:

Q. So as the city attorney, am I able to view anything but that front page?

MR. BROWN: Objection; lacks foundation.

ADMINISTRATIVE LAW JUDGE: You can answer, if you know.

A. So the answer is kind of complicated, but I'll do my best. If the report is -- or I'm sorry. If an investigation is ongoing, we do not share that information with the civil division city attorney until that investigation is complete.

BY MS. SKARDA:

Q. And have we had to wait for an investigation to be complete before you can ask for adverse action?

A. Yes.

Q. And sometimes are you able to ask for adverse action based on the information that you have that is public?

MR. BROWN: Objection; leading.

ADMINISTRATIVE LAW JUDGE: Overruled.

A. Okay. Can you repeat the question. Sorry.

BY MS. SKARDA:

Q. So sometimes you have forwarded adverse actions to the city attorney --

A. Yes.
Q. -- for consideration with only public data and your investigation; is that correct?
A. That is correct.
Q. And what's the distinction? Why are you able to forward your investigation to the city attorney for review?
A. So my investigation is a little bit different than what the criminal investigation is. A criminal investigation is an investigator who gathers information that will lead to potential criminal charges. While their case is being investigated, the data that they have needs to be protected in order to protect the integrity of their case for charging purposes for trial.

Homicide, for instance. If there is a homicide at a location, that information would need to be protected and not released to the public until that case was finalized.

Q. And did you document the investigation you performed in your findings in your report that's marked as Exhibit 22?
A. Yes, I did.
Q. And what is this incident about? You might have already testified to that.

A. Yeah. This incident was an aggravated assault -- or a report of an aggravated assault that had occurred at the property of the business. When I reviewed the incident -- again, we reviewed video surveillance footage from Billy's on Grand, as well as police reports, and in my opinion or my -- I guess, with the gathering of all the facts, I could not say for certain that this incident happened or was related to Billy's on Grand. So it was marked unfounded as well.

BY MS. SKARDA:

Q. I'm just going to back up one step here. Based on the initial review you did, did you believe you needed to see video?

A. Yes.

Q. And when you need to see video, do you draft the letter, or does someone else draft it, requesting?

A. So the letter, when it is drafted, is drafted jointly with Eric Hudak, the manager of licensing, as well -- as a function that we do together. And the reason for that is to make sure there's not --

MR. BROWN: Objection --

(Reporter's Note: Indiscernible simultaneous cross-talk between Mr. Brown and the witness.)

MR. BROWN: -- nonresponsive.

ADMINISTRATIVE LAW JUDGE: Sustained.

BY MS. SKARDA:

Q. So why do you review the videos together?

A. Because if one person is reviewing the video, there's a potential something could be missed or a mistake could be made.

Q. So when you reviewed this video, what did you learn?

A. There wasn't any -- there was no way -- there was no evidence that was collected by the police department to suggest that the incident occurred on the premise, and as well as the video that they provided.

Q. And after you completed your investigation, did you determine that there was any other bases for adverse action?

A. In that particular incident, I did not have any other -- let's see.

Q. If you need to refresh your recollection --

A. Yeah.

Q. -- and look at the report, go ahead.

A. If you wouldn't mind. There is one other paragraph, I just need to review real quickly. So on that incident, there was one other piece of information that I came upon while reviewing the video from the initial request.
Q. And were those -- was that information -- can you tell us what the additional violations you observed were, generally?
A. Sure. In general, the additional violations were alcohol that was being served and alcohol leaving the premise.
Q. So I am going to attempt to pull up some video.
A. Okay.
Q. Actually, I'm going to back up five seconds here. Was the licensee -- who did you request the video from, if you recall?
A. So the video letter was -- I believe Mr. Spearman; Mr. Wesley Spearman. And Mr. Randall Jackson was copied on the letter as well.
Q. And was Mr. Spearman cooperative?
A. Yes.
Q. And you reviewed the video, I believe you testified, with Licensing Manager Hudak. Correct?

A. Correct.

MS. SKARDA: So, Your Honor, if you could pull up ...

ADMINISTRATIVE LAW JUDGE: Yeah. Okay. So let me ask you, though, before -- can you identify for me which video this is.

MS. SKARDA: Yeah. So if you pull up the -- what I've got on my screen right now, I'll kind of go through the way I was able to do this over the weekend. Because there's, like, three video 1s -- or Camera 1 angles.

ADMINISTRATIVE LAW JUDGE: So this is your -- this is what we need to be looking at right now?

MS. SKARDA: Yes. So if you'd like, Your Honor, I can go back and open up from the beginning.

ADMINISTRATIVE LAW JUDGE: If you -- so is it -- so, for instance, on what I have, is it going to be labeled -- it should be labeled 522?

MS. SKARDA: It will be labeled the same. So I'm opening up the video player, which is the only way I figured out how to do this.

ADMINISTRATIVE LAW JUDGE: Mine will just open off the drive that we were in, so... and I just want to make sure I know which video it is for which date that you're going to play.

MS. SKARDA: So you see this, though; right?

ADMINISTRATIVE LAW JUDGE: I don't see that. It just goes right into the video.

MS. SKARDA: Interesting.

ADMINISTRATIVE LAW JUDGE: But I have something like this where I can pick and choose among the videos that are ...

MS. SKARDA: Okay. Yeah. Okay. That's what I was wondering about.

ADMINISTRATIVE LAW JUDGE: I just don't have that particular player.

MS. SKARDA: So if you'll notice -- and why I had difficulty with this is we've got like three video 1s -- or camera 1s and just two camera 2s. So the third -- I'll go through each one, which it is. Some is on the second. Some is on the third.

ADMINISTRATIVE LAW JUDGE: And I see there's a number there that ends -- it's Channel 01 ending in 3 -- 3242.

MS. SKARDA: Yes.

ADMINISTRATIVE LAW JUDGE: Is that the one that you plan to play?

MS. SKARDA: Yes.

ADMINISTRATIVE LAW JUDGE: So I think I'm going to note it in terms of the way that I approach this. Channel 1, 3242, is this particular video. All right.

BY MS. SKARDA:

Q. So I am -- Sergeant Graupman, would you prefer for this first one -- I know you have multiple angles from different cameras. Is that correct?

A. Correct.

Q. Would you prefer if I start at the -- inside the bar or outside the bar?

A. Well, I would, I guess, prefer probably if you started at the inside.

Q. All right. I can do that.

MS. SKARDA: Just give me one second, Your Honor. That means I'm going to start with Channel 9. And I believe it is the video that ends in 4240, and I'm going to open that up and I'm -- (inaudible). There we go.

BY MS. SKARDA:

Q. All right. So, Sergeant Graupman, does this appear to be the video you reviewed?
A. Yes. It's dated March 5, 2022, the date of the incident.
Q. And can you see my cursor here?
A. Yes.
Q. And I'm circling around something. Can you tell me what that is and what that means to you?
A. Yes. So that's the time -- the play time of the video, as well as the day of the video.
Q. So I'm going to use my cursor and just drag this.

And you took what we call a snippy --

A. Mm-hmm.
Q. -- of the video; correct?
A. Yes.
Q. And that is included in evidence; is that correct?
A. Yes.
Q. And can you look at Exhibit 23 and tell me what hours I should be going to to get to the video that depicts what you want.
A. Yes. If you go to 01:40 hours. So that will be 1:40 a.m.

Q. And when you did this, you were just watching this whole thing; right?
A. Correct.
Q. How long did you spend working on just one incident?
A. Several days.
Q. So I'm going to now -- I'm circling my cursor here because I just can't think of a better way to do this. What time stamp am I at on the video?
A. So you are at 01:39:42.
Q. Okay. I'm going to hit play and we'll go to 01:40. This is getting close to closing time?
A. Correct.
Q. And when you see the individual that you are looking for, just tell me, and I'll stop.
A. Okay. You can stop right here. I'm just going to tell everyone here what I'm looking at.

On the left of the screen, there's a male with a white sweatshirt with a baseball cap turned behind him. That individual is the individual that we'll later see. As the video continues, that's one where my attention will be focused.

Q. Can you get up and point to that person.

A. Sure.
Q. Because I don't want to guess.
A. (Inaudible.)
Q. Okay. Thank you. Thank you.
(Inaudible due to audio buffering.)
BY MS. SKARDA:
Q. I hit stop. Is this the individual you were following?
A. Yes.
Q. The individual in the white sweatshirt?
A. Yes. And I just want to point out that --
MR. BROWN: Objection; nonresponsive.
ADMINISTRATIVE LAW JUDGE: Sustained. So just wait until she asks you a question.
THE WITNESS: Sure. My apologies.
BY MS. SKARDA:
Q. What is it about this individual that brought your attention to him?
A. So when I watched or reviewed this video and I was watching in order of sequential cameras -- so Billy's has cameras that are numbered 1, 2, so forth, so forth, in order. So their front patio is Channel 1. When watching that video, I noticed this individual leaving the service area, the patio service area.

Q. Okay.
A. So when I saw that, I then had to go back and watch from earlier and find this individual where we are now, if that makes sense to everyone.
Q. And is it your testimony that, kind of, putting together these incidents took a couple days of your time?
A. Yes.
Q. I'll hit play again here. So now what do you -- I'm going to have you look at your Exhibit 23-1. And up in the upper left-hand corner, what is the time stamp, if you can see it?
A. 1:40:53 is what I have here.
Q. And what --
MR. BROWN: Your Honor, is it 53 or 55?
MS. SKARDA: I didn't hit it fast enough. I'm trying to get it back right now.
BY MS. SKARDA:
Q. So this video, this snap, how did you make the picture that we have in 23-1?
A. So in watching the video, I was able to pause the video, as you just did now, and using a skimming tool on my computer, I was able to

extract this image onto a Microsoft Word document.

Q. So you've previously testified that you saw this person exiting with which you believed to be an alcoholic beverage?

A. Correct.

Q. And this is you working your way through; correct?

A. Yes. In reverse, so to speak.

Q. Now I'm going to go to Channel 8. And I have to open this each time. I don't know why. And Channel 8 would be 0047. And now that we've established ... it jumps. So I'm trying to get it as close as possible before I release and not have to have us watch a bunch of this.

So now we're at 01:41:03. I'm just trying to get it to where you took the picture, Sergeant Graupman, so we can offer it. I think that (inaudible).

Do you see -- Sergeant Graupman, do you see the individual you've been monitoring in this picture?

A. Yes.

MR. BROWN: Can you go full screen on that.

MS. SKARDA: Yeah. I'm sorry.

MR. BROWN: It's all right.

MS. SKARDA: There. For some reason, it doesn't go. You're going to probably have to remind me of that again.

MR. BROWN: (Inaudible.)

BY MS. SKARDA:

Q. I'm just trying to get it back to where I believe -- the picture that we have in evidence. Okay.

So can you tell us -- can you point out who you were watching here -- maybe stand up and point out -- and then tell us what you think is going on.

A. Yes. So this is the same individual I identified earlier. This is the bartender, and there is a hand-to-hand transaction in the picture here.

Q. And you labeled that -- if you look at your paper exhibit that you captured, what did you label that?

A. So I labeled it Channel 8 at 1:41 hours, bartender returning with drink order and handing to male customer.

Q. And it is -- technically, it's 01:41:17;

correct?
A. Yes. That's what I was -- in the still image I took here.
Q. So can you tell what kind of a drink that is?
A. It appeared to be a canned beverage.
Q. I'll go next. We'll let this play a little bit.
And then we're going to go to 01 -- we're still on Channel 8. You've taken a few pictures of Channel 8; is that correct?
A. Yes, correct.
Q. And can you tell us on Exhibit 23-2 what that is a picture of.
A. Yes.
Q. The first picture. Sorry.
A. Yes. Channel 8 at 1:41 hours, male customer making payment to bartender for a drink order.
Q. And then Channel 8 at 1:42 hours, the bottom picture, what do you believe that to be?
A. Channel 8 at 1:42 hours, we have a customer consuming purchased drink.
Q. I'm just going to let this go, and you can narrate what you're seeing.
A. So, as you see, the same individual identified earlier, here, at this point he's already made

the purchase, and, obviously -- I had mentioned that there was consumption. Here's a can in his hand.

Q. Do you know that that's an alcoholic drink?

A. That was one of the things that I had to review, and I suspect it to be. I cannot say with certainty it was.

Q. So generally --

A. Yes.

Q. You can take your seat.

Your knowledge of bars in general, what do they serve and how do they serve it?

A. So typically canned beverages are served for probably a number of reasons. Safety being one of them. Most bars today do not serve bottle service. Canned beverages or cup drinks are often served.

Q. So I'm going to let this go a while longer and if there's something ... we're at 1 -- just for reference, we're at 1:41 hours, still on Channel 8.

And your last video or your last snippet, I'll call it, is at 1:46 hours. So just following the individual you're tracking here.

At any time were you able to see exactly what the beverage was?

A. Due to the low quality of the footage, I was not able to clearly identify the label on the beverage. I tried numerous times and made several attempts and was not able to identify it by name or brand.

Q. So your last snippet was at 1:46 hours. So I'm just going to forward this to a little bit closer for everybody, and then ...

How close was this to closing time?

A. So the time is 1:46 on the video we're watching. Billy's was permitted to sell alcohol until 2:00 a.m.

Q. And I think -- I'm having a hard time actually reading on this exhibit what the time stamp was.

A. Sure.

Q. I have them on my laptop, but I can't get into my laptop because the Wi-Fi isn't -- a firewall or something is marking -- blocking my ability to get into my office so --

(Inaudible due to audio buffering - 3:32:18 to 3:34:19.)

BY MS. SKARDA:

Q. I think we're looking at 1:47:12. There we go. This one I can read.

Can you look at the picture up on the screen and the bottom snippet that you pulled on Exhibit 23 and tell me what we're looking at.

A. Yes. This should be Channel 3 at 1:47, male customer with purchased drink heading towards front. Bar exit for closing, here and here.

Q. Channel 5.

MS. SKARDA: We're on one Channel 5, Your Honor. That is marked 3000 towards the bottom.

BY MS. SKARDA:

Q. And what angle is this? It's been a long time since I've been to Billy's.

A. So looking at this camera angle, you're looking towards Grand Avenue. So this would be to the south.

Q. Are you familiar with where the cameras are within Billy's?

A. Yes.

Q. I'll try to get this. (Inaudible.)

So this is the exit here?

A. Correct. Ex --

Q. The door.

Oh, I don't need it. I'll pull around. I apologize. That was not at 1:00.

Did you identify this individual seen in front of the door right now? There are two gentlemen. We're at 01:43:35. One has a shirt or jacket on with a hat and some writing, and there's another gentleman standing next to him.

A. Yeah. I didn't actually identify them by name or date of birth, but they were -- from what I could tell, they were hired employees to work security.

Q. That's about as close as I can get. I apologize.

We're looking for 01:47:23 to match with the snippet that Sergeant Graupman pulled. Did I just miss it?

A. You just passed it.

Q. Sorry. I'm not well-renowned with my video skills.

That was the individual over on the side here; correct?

A. Correct. That was the same individual that I'd been tracking.

Q. Do you see that individual coming into view?

A. Yes.
Q. And can you point to him on the screen. And I'll get to (inaudible). There.
A. We're at it.
Q. Okay. Perfect.
MS. SKARDA: And then, finally, Your Honor, Channel 1, the last three numbers of what I believe to be the correct Channel 1 at this point is 3242.
BY MS. SKARDA:
Q. And what angle is this, and if you know, what camera is this and where -- where does it point?
A. This is Channel 1. This is the camera that covers the front patio of Billy's on Grand, and this is facing towards Grand Avenue in a southwesterly direction.
Q. So does Billy's have cameras inside and outside of the licensed premises?
A. Yes.
Q. Is that typical for a licensee who has a camera requirement to have cameras?
A. Yes.
Q. And why?
A. Mainly, because if there are individuals inside

of the premise that are causing an issue or contributing to illegal behavior, we ask oftentimes for video. And sometimes we actually capture incidents occurring just outside the premise. Vehicles that suspects may enter or other people that they might be with.

Q. And are you aware, did the licensee, RJMP, Inc., submit a camera plan?

A. Yes.

Q. And do you know who reviewed that plan?

A. I did.

Q. And so you're familiar with placements of the cameras, et cetera?

A. Yes.

Q. I'm just looking through.

When you recommend -- if I brought you my camera plan and you reviewed it, would you make recommendations, or would you just, kind of say, "that's good"?

A. No. I would review it, and if recommendations were needed, I would, obviously, make them and suggest them and then have you resubmit the plan.

Q. Did you go over the camera plan with -- do you

recall who you went over the camera plan with?
A. Yes. Mr. Spearman submitted his camera plan to me to review. I was familiar with the camera plan prior to Mr. Spearman entering his agreement with RJMP. But I did review his plan, and it was sufficient as things had not changed from the previous.
Q. So I'm going to make a distinction here. So Mr. Spearman is managing the licensed premises at this time; correct?
A. Correct.
Q. Did you review the camera plan submitted by RJMP?
A. Yes.
Q. And are you telling us that they are basically the same?
A. Yes.
Q. Do you remember reviewing the camera plan with RJMP?
A. Yes.
Q. And nothing has changed?
A. Correct.
Q. All right. So we're at 01:47:42. Is that the time stamp that you have in the snippet you have as Exhibit 23-4?

A. Yes, it is the same.
Q. Can you point out why you felt this was significant?
A. Sure. So this is the individual here that I had originally noticed -- when I reviewed this video, this was the first channel that I reviewed. So this was my picture. This is what I was viewing before we just viewed everything you showed us earlier.

So when I saw this, my attention was immediately directed to this individual. So the can in his hand stuck out to me, obviously. I did not see any security persons in this area. I did not see any trash cans in this area. That was concerning to me that this individual was allowed to exit this premise -- how he was exiting, into Grand Avenue and a residential neighborhood.

Q. So why would you look for security people and trash cans?
A. For a couple of reasons. Trash cans are often a very easy way for security -- when dealing with somebody who has purchased an alcoholic beverage, they are often -- they often don't want to give that up because they paid for it.

So security will usually give them the option to consume the beverage and then throw it in the garbage, and the trash can allows them the process to do that without littering.

Q. Do you call that -- I mean, do you see that a lot? A little? Can you give us a percentage?

A. A lot. Yeah. Most businesses will have -- if they have a patio area, they will have some type of means for disposal of alcoholic beverages.

Q. I am going to -- and is it true that there was more than one person who you saw exit with something in their hand?

A. Yes.

Q. And the remainder of your snips are just of Channel 1; correct?

A. I will check, but I believe -- yes. Yes, Channel 1.

Q. And you didn't follow each -- did you conduct the same path of investigation through each camera angle for each person?

A. I did make the attempt to do so. And in some instances I was successful, but in most I was not successful in finding the point of origin or determining whether or not -- this

individual had a canned beverage.

The other individuals that I took snips of had cups. And cups are not identifiable. They do not have labels. So it's very difficult to say what's in a cup; whereas a can, it's a little easier to identify. But, yes, I did make the attempt to track everyone.

Q. And were you able to identify -- and I apologize if I'm asking something you've already answered -- but were you able -- with any of the individuals, were you able to identify that there was actually alcohol in the drink?

A. No.

Q. But you still recommended adverse action based on drinks leaving the patio; correct?

A. Correct. And mainly because --

MR. BROWN: Objection; nonresponsive.

ADMINISTRATIVE LAW JUDGE: Sustained. But Ms. Skarda can ask you again.

BY MS. SKARDA:

Q. And why did you do that?

A. Sure. So the concern for us and the neighborhood, the community, is drinks leaving the premise. And with that, we often see other

behavior, disorderly behavior, that coincides with that behavior, such as the littering, as I mentioned. We've gotten complaints from other residents who have found drink cups in their yard, or public urination, things of that nature.

Q. So based on your experience and training, do you have an opinion as to what the probability that the can was an alcoholic beverage is?

MR. BROWN: Objection; lacks foundation, calls for an opinion that doesn't have any support.

ADMINISTRATIVE LAW JUDGE: Sustained.

BY MS. SKARDA:

Q. So, Sergeant Graupman, you spent how many years on patrol?

A. I spent 12 years on patrol.

Q. And you've been to how many bars?

A. Hundreds.

Q. And based on your experience and training, do bars -- what percentage -- if you have a guesstimate, which percentage of bars serve nonalcoholic beverages in cans?

MR. BROWN: Objection. Same objection.

ADMINISTRATIVE LAW JUDGE: Sustained.

BY MS. SKARDA:

Q. Generally, why don't you describe the menu, the options available for consumption -- liquid -- and how they were offered in bars, based on your experience and training?

A. Sure. So typically what we see or what I see in my training and experience is bars that have nonalcoholic beverages, such as sodas, waters, those types of juice, will serve them in what we call a soda fountain. Basically, they don't keep canned pop or canned lemonade or canned drinks on hand, or if they do, they will pour them into a drink cup. There are exceptions, but very few.

MS. SKARDA: And, Your Honor and Counsel, we can go through each of the additional videos, or we can just stipulate that they are found at the date -- I mean, all that's left, as he's testified, is Channel 1.

MR. BROWN: Whatever it takes to move it on. I have no objection. The video is the video, so ...

ADMINISTRATIVE LAW JUDGE: So you'll stipulate that the videos that have been

received as to those channels will show what is in the stills? There's no objection to that?

MR. BROWN: To the extent that the numbers line up, I have no objection to that.

ADMINISTRATIVE LAW JUDGE: All right. That is fine. (Inaudible.)

MS. SKARDA: Thank you.

BY MS. SKARDA:

Q. All right. So I'm going to have you turn your attention to what has been marked as Exhibit 20. Can you take a look at it and tell me if it's something you've reviewed as part of your investigation? And if you can't read it, I have the real copy.

A. I'm able to read it. It's another cover sheet, public offense incident report, for an assault.

Q. Is this something you reviewed as part of your investigation?

A. Yes.

Q. And why did you include it in the information you passed forward to be part of this adverse action?

A. In this incident, officers were unable to obtain video, upon request from the business.

Q. And do you have an opinion as to why obtaining

video is important for officers?
A. Yes. In order for us to gather evidence and make a determination, to the best of our ability, whether or not a crime or a license violation had occurred.
Q. And during the course of your time with DSI, have you seen and recommended adverse action for similar violation types?
A. Yes.
Q. I'm going to have you turn your attention to Exhibit 21, and I'm going to have you take a look at it and tell us if you recognize it and what it is.
A. Yes. This is an incident report -- offense/incident report written for 857 Grand Avenue titled "Code Enforcement" by Senior Commander Josh Lego.
Q. And are you aware of what this incident was about?
A. Yes. It's my understanding this incident was -- there was a physical altercation at the premise while Ramsey County Sheriff's deputies were privately employed by Billy's on Grand, and St. Paul police responded to assist.
Q. How many -- so Ramsey County sheriffs were

working for Billy's?
A. Correct.
Q. And why would they call St. Paul police if they're sheriffs working for Billy's?
A. If an incident is too large for them to handle, they would call for police assistance.
Q. Do you recall -- what do you recall about the response to that call?
A. I recall that it was a heavy response. I believe there were roughly anywhere from 15 to 20 squad cars responding.
Q. Why would so many squads respond?
A. When an officer needs assistance, time is of the essence and, obviously, the seriousness level of what's going on there, that's ...
Q. So are you aware of the facts behind what happened that evening that led to the call for service?
A. Vaguely. I tried to find out more information. The Ramsey County Sheriff's Office doesn't -- we're not tied into their reporting system. I requested video from this incident. I, unfortunately, did not receive the video that I had requested.
Q. And who did you request the video from?

A. Billy's on Grand, Mr. Spearman, and copied Mr. Jackson again, Randall.
Q. And did you -- so let's back up. I'm going to have you look at what's been marked as Exhibit No. 10-1. Look at that and tell me if you're familiar with it and what it is.
A. Yes. So this is a video request letter that was dated March 28, 2022, and was written by Licensing Manager Hudak and myself and delivered to the business.
Q. And what were you asking for?
A. We were requesting video from the time periods of 11 p.m. on Saturday, March 12th, until 12:30 a.m. on Sunday, March 13th, and video from 11 p.m. on Friday, March 18th, to 1 a.m. on Saturday, March 19, 2022.
Q. And does one of these requests relate to the incident we're speaking of?
A. Yes.
Q. And do you know which one that is?
A. If I go back -- of course, I lost my page now.
Q. If you go look at Exhibit 21-2, perhaps, or 21-1.
A. Yeah. I found it. So March 21st, 2022, was the date of the incident report; however, the

incident occurred on March 18th from 11:43 to 11:59. So the video was requested to coincide with that date. So it would have been the March 18th video from 11:30 until Saturday, March 19, 2022.

Q. All right. Thank you.

I'm going to have you look at Exhibit 11-1.

A. Okay.

Q. And tell me if you recognize that and what it is.

A. Okay. So this is another video request letter that was typed and written, dated April 20, 2022, again for Billy's on Grand, and video was requested for two dates. They are the same two dates in the previous letter we just spoke about, and times.

Q. And what does the subject line on this Exhibit 11-1 say?

A. So the reason for this request was that -- this second request was the video request was not satisfied.

Q. And is it your testimony that Mr. Spearman didn't produce all the video or that some of the video was not produced?

A. So Mr. Spearman produced some of the video, but, unfortunately, the video that would have shown the location or the area in which this incident occurred was not a part of that package. It was not included.
Q. And did you feel you needed that to investigate what happened?
A. Yeah. Yes, I do.
Q. So did this failure to produce all of the video give rise to your request for adverse action?
A. Yes.
Q. And which condition -- license condition, if you know, was this a violation of?
A. I don't know particularly which number. I'd have to reference my police report that I wrote, but I did document that the failure to provide complete video was a violation of the video -- of the licensing requirements.
Q. I'm going to have you look at 17-1 through 17-3. Tell me if you recognize it and what it is.
A. Yes. I do recognize it. So this is a printout from the St. Paul Police Department. It's regarding calls for service for the time periods of March 6, 2021 -- and it is a little

tough to read the end date. But, yes, I do recognize the document.

Q. Can you tell us why you put that together and, if you can -- I'm happy to give you my copy, if you want to look at it more in-depth, but what were you looking for when you pulled together this kind of a report?

A. Yeah. So when we do a screening of an address to look at all the calls for service, this document includes every call that we responded to or that was made -- sorry -- that was made to the police department. These calls are a variety of different things. They are calls, but they are also calls that came in -- some of them came in from Billy's themselves calling for police assistance. Some are citizens calling on Billy's. Some of them are people at Billy's calling for themselves. There is a variety of different reasons these calls get attached to the address.

But what I'm looking for particularly is what we call quality-of-life calls. And the reason those are important are because those are the types of calls that negatively impact the community.

The calls that Billy's makes for themselves, we do not deem them as quality-of-life calls. So meaning if Billy's were requesting the St. Paul Police Department to come help them or assist them or whatever, those would not count against the business as a quality-of-life call.

Q. I'm going to turn your attention to the notice of violation, Exhibit 5. I'm going to have you look at the fourth violation on the notice of violation. Is that in a condition that you can actually read?

A. So I have a question. Are you asking for me to look at Violation 4 or Condition 4?

Q. Violation 4.

A. Violation 4. Okay. So, yes, I have it here in front of me.

Q. And what is that violation?

A. This is for, the licensee has failed to manage the licensed premise in a manner that provides a safe environment for patrons and the public. Adverse action may be based upon one or more of the following reasons. And then there are city ordinances that are listed that support that statement.

Q. I'm going to have you turn the page and look at the last paragraph of that section. And just read it to yourself and let me know when you're finished.
A. Okay.
Q. So did the information -- first of all, can you tell us what that says.
A. Yeah. So this is a statement regarding the quality-of-life calls for service that I just mentioned and how many there were. There were 31. So it details what those types of calls were, as well as that there is an adverse action to support.
Q. And what else does it say?
A. It talks about maintaining capable video equipment and the business needs to -- is responsible for that.
Q. So this information came from the investigation that you did and the work you did with Licensing Manager Hudak; correct?
A. Correct.
Q. And you provided this as a potential basis for the fourth request for adverse action, Violation 4?
A. Correct.

Q. Is there anything that I haven't asked you that you believe is important for the judge to know about this case and your investigation?
A. No.
MS. SKARDA: I have no other questions.
ADMINISTRATIVE LAW JUDGE: Mr. Brown, cross?

CROSS-EXAMINATION

BY MR. BROWN:
Q. Sergeant Graupman, you've been a peace officer for over 20 years?
A. Sure.
Q. And it's important that you're even-handed and fair in investigations. You would agree with that; right?
A. Absolutely.
Q. Do you feel like you've been fair and even-handed in this investigation?
A. I do.
Q. You've only made claims that you think are supported by evidence; right?
A. Correct.
Q. I want to start backwards. I want to start with Exhibit 17-1, which is the check associated with 857 Grand. Do you have that

in front of you?
A. Yes.
Q. I spent some time with this document and column number one is a count clock; correct? It's identified as ID.
A. Yes. It's the numerical number you're referring to?
Q. Yes, sir.
A. Yes.
Q. CN stands for what?
A. Case number.
Q. And also case numbers associated with the corresponding count number; correct?
A. Correct.
Q. The next column is a call date; correct?
A. Yes.
Q. The next column is a disposition call, what happened; right?
A. That is -- yeah, the final result. Yes.
Q. Column four, primary offense, who fills that in?
A. That's generated by the CAD, the computer-aided dispatch system. So when a call comes in and it's coded by the dispatcher in the CAD, it's entered into this call.

Q. So the dispatcher who's not on scene essentially generates this --
A. Part of it.
Q. -- fourth column?
A. Yes.
Q. Correct?
A. Correct.
Q. And 857 Grand is the address for the call; correct?
A. Correct.
Q. Now, you note in the quality-of-life aspect of the adversary proceeding all these calls to 857 Grand; right?
A. Yes.
Q. But you know there's more than Billy's --
A. Yes.
Q. -- in that location, don't you?
A. Yes.
Q. You know there's at least three other businesses; right?
A. Yes.
Q. So how is that fair to pin all of those calls on Billy's?
A. It's a good question.
Q. Okay.

A. So it's my job to go through each and every one of those calls to make sure that they are, in fact, related or not related to Billy's on Grand.
Q. Did you do that?
A. I did.
Q. You went through 128 police reports?
A. Yes.
Q. And you read all of them?
A. Yes.
Q. So you're very familiar what goes on?
A. Very familiar, yes.
Q. So when you characterize something as a quality-of-life complaint, the fact that it's registered, does it mean it's true?
A. No. It's not always true.
Q. And you've seen instances where things that people have pointed to Billy's have turned out not to be true?
A. Correct.
Q. For instance, the DWI?
A. Correct.
Q. Or the shooting?
A. Correct.
Q. Right. So people can complain. That happens;

right?
A. Correct.
Q. It doesn't mean it's true?
A. Correct.
Q. So this isn't a fair representation of the calls just to Billy's; right?
A. So these are the calls to the address, but it's, again, my job to determine if they were or they weren't.
Q. So my question to you is: Exhibit 17-1, when the Court takes that back, is that a fair representation of wrongdoings that Billy's has been involved in?
A. I guess I'm confused on what exactly you're asking; meaning wrongdoings.
Q. Well, all the alleged violations.
A. Okay. So the quality-of-life calls are highlighted. Those were highlighted by me. The other calls were not highlighted because they don't meet the criteria.
Q. So if I'm looking at Exhibit 17-2, I see only three calls highlighted: calls numbering 9, 98, and 105.
A. Correct.
Q. When I look at your report, you note 31

quality-of-life calls. Help me understand that.

A. It's a very good question. So the ones that are highlighted are the ones that were the basis for the adverse action; meaning they were quality-of-life calls, but they deemed the level in which we had submitted to the city attorney for adverse action.

Q. All right. (Inaudible) unfair to attribute to Billy's because that was unfounded; correct?

A. Right. But it's still listed in the adverse action as unfounded.

Q. So help me understand. Which of these 128 calls can you fairly attribute to Billy's on Grand?

A. Thirty-one of those, sir.

Q. Okay. Which ones?

A. All right. So if we start at the top, what we're looking for when I go through this and I review this is the type of call. So alarm is not a quality-of-life call.

Q. Okay.

A. Okay?

911 hangup is not a quality-of-life call.

Police practice visit is not a quality-of-life call.

Theft is not a quality-of-life call.

Domestics are not a quality-of-life call.

Q. Let's do it differently. Why don't you tell me which ones are quality-of-life.

A. Okay. I'm sorry.

So if you go to 23, harassment.

Q. That's one. So any time you see harassment phone calls, that's going to be a quality-of-life violation?

A. Correct. But --

Q. Why don't you take a moment --

A. -- you'll need to add some context to that. So if you --

Q. One second, sir.

A. Yes, sir.

Q. Why don't you take a moment and look through the list and see if you find any other harassment calls since those are qualified as quality-of-life.

A. I'm just double-checking, but I haven't found any other ones yet.

Q. Whenever you're done, just let me know.

A. Okay. All right. I think we can probably move on.
Q. So there's no more harassment calls?
A. No.
Q. What other kind of call would make a quality-of-life call?
A. Disturbance, which is on line 30.
Q. Now, how do you know that that's associated with Billy's on Grand?
A. So each call has what we call CAD comments. And that's the computer-aided dispatch system. So when -- let's say a person makes a call to complain about anything or the police, in general, there are some comments that have to be put into that call for the officer to know what they're responding to.
Q. Sure.
A. So it's my job to go through and read the CAD comments and find out what that disturbance was, because disturbance doesn't really tell us what actually happened there.
Q. Isn't that the point? This note doesn't tell you what actually happened, does it?
A. Correct.
Q. It just tells you that somebody complained,

isn't it?
A. That's true.
Q. And it may be an unfounded complaint?
A. Yes.
Q. So is that fair to attribute that to Billy's without knowing what actually occurred?
A. Right. That's my job to actually go through and review that to find out whether or not it was or wasn't. As I did earlier, it was an unfounded call that you'd mentioned, the DWI. So we toss it out.
Q. Overall, Exhibit 17-1 doesn't tell you what actually happened; correct?
A. That's correct.
Q. At best, it presents a one-sided view of someone's gripe with 857 Grand; true or false?
A. Yeah, I suppose you could say it that way.
Q. And 857 Grand has more than one business; right?
A. Yes.
Q. But yet you list 31 quality-of-life calls associated with Billy's?
A. Correct.
Q. I want to talk to you about this can. Now, you know, given all of your experience, that a

can is not a crime or not a license violation; right?

A. I'm sorry. What were you saying?

Q. You know that a can is not a crime or a license violation; taking a can --

A. Oh. You're talking about an aluminum can?

Q. Yes, sir.

A. Okay. I just wanted to make sure I understand what you were asking.

Q. Oh, I don't know.

(Inaudible due to overlapping speakers.)

A. I just thought, like, I heard "can," but I didn't know what kind you meant.

MS. SKARDA: I didn't hear "can." So I apologize.

BY MR. BROWN:

Q. I'm asking this in the context of the allegation that Billy's on Grand let liquor leave the premises.

A. Okay. Infraction.

Q. It's not a crime or a -- it's not a crime to have a can in public, is it?

A. No.

Q. Okay. It's not a license violation to have a

can in public; right?
A. No.
Q. Do you know if that can had anything in it?
A. I can only assume. I don't know for sure.
Q. That's a no?
A. No.
Q. Do you know if it had alcohol in it?
A. I don't.
Q. Could have been a Red Bull; yes or no?
A. It's possible.
Q. Okay. I promise you, I'm not here to give you a hard time. I just want the answers and I just --
A. Yeah.
Q. -- want to cut to it.

Could have been a nonalcoholic beverage. That wouldn't have been a license violation, would it?
A. Again, it's possible.
Q. So here's where I'm kind of stuck. You've got these folks in here saying that they permit alcohol to leave the promises, but you tell the judge you don't know what's in the can.
A. I can't say with 100 percent certainty --

MS. SKARDA: Your Honor, I'm going to

object to that as argumentative.

MR. BROWN: Well, I'm getting to fairness, Judge.

ADMINISTRATIVE LAW JUDGE: Yeah. The objection is overruled.

MS. SKARDA: I would argue -- I'll object again, saying that that's proper closing argument.

(Inaudible due to audio buffering/stuck; 4:13:26.)

A. -- at Billy's.

BY MR. BROWN:

Q. And you were standing by the door; is that true?

A. Correct.

Q. There were trash cans there too, weren't there?

A. Yeah.

Q. And that's before you get to the patio; correct?

A. Correct.

Q. And it might be good practice to actually stop the beverages from even leaving the patio to the extent that they were not permitted. That would be good practice; right?

A. Yeah.

Q. Do you have any reason to know that that's not what Billy's did?
A. I don't. I mean, I can only -- I can only tell you what I saw (inaudible).
Q. Understood.

You testified earlier that cups are not identifiable and so you really don't -- it's not easy for a cup to -- I'm sorry. You didn't say that.

You said cups are not easily identifiable and that's why it's not easy to say what's in cups; correct?
A. Yes, correct.
Q. And that's because you can't identify the container; right?
A. Right.
Q. And the same would be true for a can; correct?
A. In this case, it wasn't -- I wasn't able to identify what the label on the can was.
Q. But as to the cups, you still listed those as violations; correct?
A. I mentioned that it was suspected, but we don't -- I couldn't say for certain.
Q. But you understand as the officer associated with DSI that you have the burden of proof;

right?
A. Yes.
Q. And the allegation is that there were lots of incidents of alcohol leaving; correct?
A. What page are you looking at, sir?
Q. Exhibit 5-6, page 6, Violation 1.
A. They were referred to as drink cups.
Q. Oh, fair enough. So you don't know?
A. It's not referred to as alcohol. It's referred to as a drink cup.
Q. Fair enough.

If you look at the first sentence under the heading "Violation No. 1," will you read that out loud.

A. "While reviewing"? That portion?
Q. Yes, sir.
A. While reviewing the video associated with (inaudible) 183036746, Sergeant Graupman had observed several incidents of alcohol leaving the liquor service area, which (inaudible).
Q. So that's not true?
A. It's fair to say --
Q. Is it true or not true?
A. Well, I noted in my report what I believed is what I saw, but I couldn't say a hundred

percent certain it was alcohol, to be fair.
Q. I'm going to leave the alcohol violation alone. I'm going to move on to the violation related to the cameras. And I want to start with the one with the Ramsey County sheriff involved. Now, you spent quite a bit of time investigating this incident; right?
A. A fair amount, yeah.
Q. Because a law enforcement officer was involved in the physical tussle with a member of the public; right?
A. Right.
Q. My recollection of the police report is there were about 19 squads that showed up. Correct?
A. Sounds right. Yes.
Q. Did you talk to any of the 19 squads about (inaudible)?
A. (Inaudible) did. I didn't.
Q. You did not?
A. No.
Q. Before you filed this adversary action, you didn't talk to any of the 19 squads that showed up?
A. My understanding is not all officers arrived on scene but 19 responded.

Q. Fair enough. Ten showed up?
A. Possibly. I don't know exactly. I don't know how many were there.
Q. Okay. If I told you the police reports say -- your police report says that ten officers showed up, would you have any reason to doubt me?
A. I wouldn't doubt you, if that's what it says.
Q. Did you talk to any of the officers who showed up?
A. No, sir.
Q. Were they wearing body (inaudible) camera?
A. Yes, sir.
Q. Did you have to review any of the body (inaudible) camera?
A. Senior Commander Lego did.
Q. Did you review --
A. No, I didn't. I'm sorry.
Q. Thank you.
Did you visit with any of the other businesses and ask them for cameras?
A. No.
Q. Do you know if they have cameras?
A. No.
Q. Okay. But you didn't ask?

A. No.
Q. Same exhibit, Exhibit 5. Exhibit 5 (inaudible). Now, you would agree with me that DSI and St. Paul Police just can't come in because they want to and say "Give me the cameras"; they have to have a reason; right?
A. No, that's not true. In their requirements, they are required to have video and maintain their surveillance equipment. Now, if I were to respond there and ask to review video, it would be for a specific reason, but it doesn't have to be necessarily a high seriousness level. Like, I mean -- it doesn't have to be a homicide is what I mean.
Q. Okay.
A. So, like, there could be a crime that had occurred even across the street where somebody might have walked over to that bar and maybe we just want to review the videos to see if the person that was involved in that thing was there.
Q. So when I'm reading the license, it seems to suggest that -- it doesn't suggest; it says -- that the licensee shall make video available for serious incidents. Do you (inaudible)?

A. Yes.
Q. So there is some qualifier to --
A. Yeah.
Q. -- your request; correct?
A. Yes. My request, yes.
Q. Are you suggesting that there's a different standard for DSI?
A. No. But I'm just saying the requests that I made were based on incidents, case numbers.
Q. I want to go more generically.
A. Okay.
Q. Okay? I want to ask you about St. Paul Police Department's and DSI's policy, as it is -- as it relates to your requesting surveillance video.
A. Sure.
Q. Okay? You following me?
A. Yes.
Q. What restrictions are placed on the authority to request video?
A. By who?
Q. By the license.
A. So the authority to request the video is based on the requirements to produce them, first of all. The police department has the authority

to request video. Oftentimes, they do when investigating a crime, but not in every case. But they do have the ability to request it.

Q. I'm going to turn you to Exhibit 3-2, and I'm going to ask you to look at paragraph 4.

A. Okay.

Q. I'm going to ask you to read the penultimate, or the second to last, sentence in that paragraph.

A. I'm just making sure I'm looking at the right thing, sir. Is it No. 9 that you're looking at, that last ...

Q. I'm so sorry. Exhibit 4-2.

A. Okay.

(Inaudible due to overlapping speakers.)

A. I just wanted to make sure.

BY MR. BROWN:

Q. Sorry.

A. All right. Go ahead.

Q. Exhibit 4-2, paragraph 4, second to last sentence starts with "If," ends with "SPPD." Do you see that sentence?

A. I'm trying to find it. I'm sorry.

Q. No need to apologize.

MS. SKARDA: Is that -- is your copy (inaudible)?

BY MR. BROWN:

Q. Do you have a poor copy?

A. Yeah. Just tough to make out but I ...

MS. SKARDA: You got one?

MR. BROWN: Yeah.

Judge, may I approach?

ADMINISTRATIVE LAW JUDGE: Yes.

THE WITNESS: Much better.

BY MR. BROWN:

Q. I've underlined it for you.

A. All right. So you just want me to read that?

Q. Read it to yourself, and then I'll ask you a question about it.

A. Okay.

Q. Got it?

A. Yep.

Q. So it's not true that under the license that St. Paul Police can just show up and ask for video anytime they want; right?

A. Yeah. I mean, you could make the argument that it's -- there's a reason that we're there, a reason we would request it.

Q. If an incident is nonserious, do you believe

you're entitled to ask for video?
A. I haven't ever done that.
Q. It's a different question. Do you --
A. No.
Q. -- believe you're entitled under the license to ask for video if the incident is nonserious?
A. No.
Q. Who sets the standard for what's serious?
A. I would say that if there is a case number associated to it, there's a complaint or complainant, if it's a crime of violence, those would be reasons where it would be deemed serious.
Q. Do police officers generate case numbers in cases that aren't serious?
A. Yes.
Q. So the presence of a case number would not be indicative of seriousness or nonseriousness now, would it?
A. Not on its own.
Q. So what forms the criteria for deciding what is a serious versus nonserious event, because that helps determine access to video?
A. Sure. Humans do, sir.
Q. Okay.

A. And they could be supervisors. They could be city attorneys, licensing managers. I mean, if there's an incident that happens and we review it and we deem it as serious, we're going to ask for video.
Q. Okay. So --
A. So we determine that.
Q. Is it fair to say it's ad hoc?
A. I would say it's based upon our interpretation of what happened. It's our authority. It's the attorney's authority, the manager's authority, or my authority.
Q. There's no written criteria anywhere; correct?
A. There's no definition of "serious," if that's what you're asking.
Q. So this incident involving a Ramsey County sheriff, what were you investigating?
A. That's a good question. So there was a call. A fight occurred at the premises -- my understanding. A call for assistance, a 10-1 emergency radio transmission was aired, and then our officers responded to that call.

So the report was written up, and then the officers that responded to the call -- obviously, not all of them got there, like we

mentioned or whatever. But there was some type of altercation that occurred. What exactly it was, I don't know because I never was able to see the video that showed it.

Q. And it's the video that kept you from knowing what happened?

A. That's a lot of it, and the license condition of reports.

Q. Sir, wasn't the assailant arrested on the spot by the very sheriff that he assaulted?

A. I believe the County did handle that case. We did not.

Q. I'm asking a different question.

A. Yeah.

Q. Wasn't the assailant arrested on the spot for assaulting the deputy?

A. I believe so, yeah.

Q. Okay.

A. Yeah.

Q. And wouldn't that end the investigation, the arrest?

A. Not necessarily of what happened at the bar.

Q. Well, do you know that it happened in the bar?

A. We don't. That's the point. That's why we asked for video.

Q. You don't know that it happened in the bar, but yet you request video?
A. Well, we don't know exactly where it started, other than somewhere in the -- on the property.
Q. The reports indicate that at some point this assailant attempted to gain entry into the bar and could not get in. Do you recall that?
A. Say that again. Sorry.
Q. The reports indicate that at some point this assailant tried to get entry into the bar and was rejected by Billy's staff. Do you recall that?
A. Yes. That sounds familiar.
Q. And when Billy's staff told him that he was not welcome, he didn't like that answer; right?
A. Correct.
Q. And so they got huffy; correct?
A. Correct.
Q. And Billy's staff did turn it over to a licensed peace officer to say, "Will you please deal with this person"; correct?
A. Correct.
Q. And the licensed peace officer dealt with the person; correct?
A. Correct.

Q. And arrested the person when the assailant punched him?
A. Yes, that's my understanding.
Q. What left was there to investigate?
A. Well, it did consume a lot of police resources, this incident, obviously.
Q. Did Billy's call the police?
A. No.
Q. Who called the police?
A. Ramsey County.
Q. So cops called the cops?
A. Yeah.
Q. Right.
A. It was also attributed to the bar. This didn't happen at JUUT.
Q. How do you know that?
A. Well, it wasn't told to me that that's how it happened and Senior Commander Lego's report doesn't say that that happened.
Q. The license states that -- one moment.

MR. BROWN: Your Honor, may I have a moment just to review my notes?

ADMINISTRATIVE LAW JUDGE: Yeah.

BY MR. BROWN:
Q. All your interactions with the management of

Billy's has been cooperative; is that true?
A. Yes.
Q. They never rejected a phone call; right?
A. Not from me, no.
Q. Never dodged you in any way?
A. No.
Q. Invited you to come and check out the location?
A. Yes.
Q. All in all, you know, pretty friendly guys?
A. Yeah.
Q. Okay. The patio is part of the licensed premises, as I read, (inaudible) on this adversary; correct?
A. Yes. Sorry.
Q. So it would make sense to have cameras on the patio; correct?
A. Yes, it would.
Q. It's part of the licensed premises; right?
A. Yes.
MR. BROWN: I appreciate your time, Sergeant Graupman.
THE WITNESS: Yes.
MR. BROWN: I avoided saying your name because I didn't want to butcher it.
THE WITNESS: It's all right.

ADMINISTRATIVE LAW JUDGE: All right. I have some clarification questions that I want to ask at this point because if I do it now, then if Ms. Skarda has any questions that come from mine, or Mr. Brown, if you have any, you'll still have a chance to do that.

EXAMINATION

BY ADMINISTRATIVE LAW JUDGE:

Q. I need some clarity on what Exhibit 17 is. So that is the list of police calls. And I want to make sure that I understand what information I can glean from this exhibit. So it's my understanding that this is from May 10, 2021, until April 16th of 2022, all of the police calls to 857 Grand Avenue?

A. Thank you. Mine is very faded. So -- all right. I'm following along. Yes. So these are all the calls that were to that address during that time period. So this is a one-year capture.

Q. Right. But there are other businesses at 857 Grand. So some of these -- there's some smaller proportion of these are the ones that were actually Billy's?

A. So these calls, yes. They are all from -- my

understanding from what I remember is when I looked at these calls, I had to go through and make sure that they were, in fact, related to Billy's. I was not asked to make anything up. My -- what I was told to do was to look at each and every one of these calls and determine whether or not they were related, and then give a number -- right? -- of how many were quality-of-life. And that's how I came up with 31.

Q. So what I want to determine is, there are 128 police calls. Is it your testimony that all of the 128 police calls that are represented on this list are attributable in some way to Billy's and not the address generally, not the other businesses?

A. The majority of them are is my -- yes. Correct. So, for example, there's a traffic accident damage, hit-and-run, and if you look at No. 111, obviously, that didn't happen in the property -- right? -- and Billy's more than likely didn't have anything to do with that. It just happens to be they called.

Q. Okay.

A. So that's an example, for instance.

Q. And then using this list, you have identified through your review 31 calls that relate to Billy's that you classify as quality-of-life calls.
A. Correct.
Q. All right?
A. The real serious types.
Q. Right. But this document does not identify those 31 calls?
A. Correct.
Q. And then there are three calls that are highlighted --
A. Yes.
Q. -- on page 17-2.
A. Yep.
Q. And those calls were the ones, I believe you testified, that were related to the violations in this particular proceeding?
A. Yes. The adverse action.
Q. And as to the 31 calls that were quality-of-life calls that were related to Billy's, were all of those deemed to be founded, or were some of them deemed to be unfounded?
A. They were founded quality-of-life -- otherwise -- if they weren't founded -- for

instance, the -- I want to make sure I answer your question correctly, because we did -- I obviously did find complaints that were unfounded. So I want to make sure what I'm looking at is the same which we're talking about. Is that okay to take a minute to look at this?

All right. So of the quality-of-life calls that we mentioned, those were 31. Those calls were related to Billy's, all 31. Not in every incident -- all 31 -- was necessarily someone was arrested. There was a complaint that was deemed a quality-of-life-type call. It doesn't mean it actually was founded in every case, if that makes sense.

Q. All right. So of the 31, how many of those would you say were founded? And by that term, what I mean is, somebody from Billy's had some connection to it. Not somebody complained and they happened to put Billy's in the title, but, in fact, you couldn't figure out a connection to it.

A. Right.

Q. How many of the 31 were actually things that occurred at Billy's and were attributable to

Billy's operations?
A. I can't give you an exact number because I didn't -- that was a long time ago that I went through this. Bear with me on that, but I would say 75 percent, or the majority of them, were.
Q. Were ultimately found that they were attributable to Billy's, they were --
A. Yes.
Q. -- on Billy's premises?
A. Correct. And that number, like I said, it keeps getting smaller. Right? So we have 128, and it's my job to go through it and say, are those all related to Billy's? No, they're not.
Q. Okay. And then the next question that I have is, of those 75 percent of the 31 that you believe were related to the operations or attributable to Billy's, how many of those were things that Billy's -- if you remember or know as you looked at it -- how many of those things were things that Billy's could have prevented? Or is it, you know, somebody robbed somebody at Billy's. Is that Billy's fault, or did somebody just rob somebody?
So what I'm looking for here is how

many of these calls, if we're thinking of the things that Billy's -- whether Billy's engaged in business operations in a way that was safe (inaudible) -- to sort of summarize where that was coming from, how many of these were things that are not just something that happened at Billy's of the 75 percent of the 31 that were founded, but things that Billy's actually had some control over or some involvement in?

A. Again, I don't know an exact number to give you. I would just say it was a good majority of them as well. You know, not every call I would expect Billy's to be able to prevent, obviously. That's not realistic. But it was a good majority of them.

The ones that are listed in the adverse action are the ones that we, obviously, were certain they could have.

Q. Okay. And that includes 89. So that's one of the ones. Call No. 89 on 17-2 is highlighted. That's the incident on 3/5/2022. It's listed as aggravated assault with revolvers, pistols, shotgun, et cetera. But correct me if I'm wrong, isn't that one one that you were not able to attribute --

A. Right.
Q. -- to Billy's?
A. It's still listed, though, in the adverse action because it was the reason why we were requesting video, or one of the reasons.
Q. And the violation is related to -- so let me ask you this, though. It was my understanding, based on your testimony, that for the March 5, 2022, request for video, that Billy's had complied with that request and showed you the video for the March 5th incident. That the issue for the failure to provide video was more related to those later -- the 13th and the 18th.
A. That sounds correct. I'm trying to track along with you. We received video -- we never did receive video from Billy's -- we got video. We just didn't get portions of --
Q. Correct.
A. -- the cameras' angles that we asked for.
Q. It was my understanding, though, as to the incident on 3/5/2022, that was the first request for video, and that you did receive all of the video as to that particular incident?
A. I think that's correct, yes. Yeah.

Q. All right. So what you're saying is there's one highlighted here, No. 89 on the list, which is a call that would qualify as a quality-of-life call, but ultimately it was disproven -- as not to be related to Billy's, and Billy's did provide all of the video associated with that incident, the one for 3/5?
A. The agg assault?
Q. Yes.
A. Yeah.
Q. Okay. Thank you.
A. Correct.

ADMINISTRATIVE LAW JUDGE: All right. That's helpful.

Anybody who has any questions as a result of my questions can answer [sic] them on this next go-round.

Ms. Skarda, do you have any additional questions? Any redirect or any questions that result from my questions?

MS. SKARDA: No. I think your questions covered what I wanted to clarify.

REDIRECT EXAMINATION

BY MS. SKARDA:
Q. There are on that list some things called

proactive police visits. Can you just tell us what that is so we're not confused.

A. Sure.

Q. It can be confusing.

A. Yeah. So proactive police visits do not count as a quality-of-life call, first and foremost. They are calls that are initiated by St. Paul Police, officers who are proactively patrolling, stopping, visiting, conducting community relations, that type of thing.

So a lot of times businesses get -- it generates a call, but it appears it's -- right -- like, a police action, but it's a proactive police action on our part, if that makes sense. There was no complaint or call there. We generated that call.

MS. SKARDA: That was the only piece left.

ADMINISTRATIVE LAW JUDGE: All right. Any additional cross as to Ms. Skarda's question or any questions as to the ones that I asked, Mr. Brown?

MR. BROWN: No, Your Honor.

ADMINISTRATIVE LAW JUDGE: Thank you. All right. Sergeant, thank you very

much for your time.

THE WITNESS: Yeah, absolutely.

(Discussion off record.)

ERIC HUDAK,

having been previously duly sworn, continued testifying under oath, as follows:

REDIRECT EXAMINATION

BY MS. SKARDA:

Q. Real briefly, Mr. Hudak, I'm going to have you look at Exhibit 5-8. At the top of the page, last paragraph of that, right before where you have Actions to Proceed, can you read that for me, please.

A. The paragraph that starts with "Numerous"?

Q. Yes.

A. The paragraph reads: Numerous police calls for service, 31 quality-of-life calls during a one-year time frame, practices that have generated both community concern and considered as one of police resources. Failure to implement procedures that would address alcohol leaving the premises and failure to ensure the surveillance equipment was maintained, incapable of providing video, all are facts that support adverse action under the above

provision of St. Paul legislative code.
Q. And then is there a difference between -- turn your attention to 4-2 (inaudible), License Condition No. 4.
A. (Inaudible.)
Q. (Inaudible.)

Is there a distinction between when DSI might ask for and investigate video and St. Paul Police?

A. Yes.
Q. Can you just tell us what that is.
A. Sure. So the Department of Safety and Inspections reserves the right to request video at any time for any reason. It must be provided within 48 hours of the request.
Q. And sometimes, like we have in this case, we give people a little bit longer?
A. Correct.

MS. SKARDA: That's all.

ADMINISTRATIVE LAW JUDGE: Any additional cross?

MR. BROWN: Briefly.

RECROSS-EXAMINATION

BY MR. BROWN:
Q. Mr. Hudak, what's the authority that says that

DSI has a right to request cameras [sic] at any time? What's the authority for that?
A. The condition that's noted.
Q. I'll point you to the same sentence I directed Sergeant Graupman to, which is the second to last sentence in paragraph 4, Exhibit 4-2. Where is DSI mentioned there?
A. It's not referenced. Only St. Paul Police Department is referenced for video that is requested immediately.
Q. So I asked you, what is the authority. Where am I missing the authority?
A. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.
Q. Well, the requestor isn't the neighbor next door, obviously; right?
A. It could be.
Q. So you read this license to require Billy's to turn over their cameras to the pawns ^ ? that testified earlier if they requested it?
A. That's the intent of the condition.
Q. Is that right?
A. Yes.
Q. So anyone in the public can ask --

A. No. No. This is intended for the authority of the licensing division or SPPD.
Q. That might be the case, but I just want you to point to anywhere in any of the conditions -- and I think Exhibit 4-2 captures all of the conditions --
A. The requestor references the earlier references in the paragraph to DSI and SPPD. So the earlier portion of the paragraph references DSI requests and SPPD requests. Those both being requestors would be how the last sentence was phrased. The intent of that last sentence was phrased to mean that the requestor is either the Department of Safety and Inspections or the St. Paul Police Department.
Q. I can see where -- and I don't want to argue with you about it because the language speaks for itself, but I just want to give you a fair chance to answer the question. Okay? And I'm not trying to --
A. No.
Q. -- be a stick in the mud. I wanted to give you a fair shot.

Here's what I read. I read that the licensee will have to submit a video

surveillance plan to the St. Paul Police Department liaison. Sergeant Graupman; correct?

A. It could be, correct.

Q. Currently, it's Sergeant Graupman?

A. Currently, that's correct.

Q. With the Department of Safety and Inspections; right? That references DSI; right?

A. Yep.

Q. For review and approval; right?

A. Yes.

Q. So the St. Paul Police Department liaison is the person that reviews and approves; correct?

A. The camera surveillance plan, correct.

Q. Other than that sentence referencing the role of a particular peace officer, their role with DSI as a liaison, DSI isn't mentioned at all in the rest of paragraph 4, is it? Take your time and review it before you answer.

A. It is not.

Q. Okay. So where is the authority that says DSI can request cameras [sic] at any time?

A. Again, the intent of that last sentence was meaning that DSI was a requestor, that either SPPD or DSI is the requestor.

Q. Fair enough.

You would agree with me that that requires some level of assumption; correct?

A. It could, depending on who's reading it.

Q. You would agree with me that it's not expressed in the license; correct?

A. Correct.

Q. And if it is not expressed, then the licensee would have a hard time knowing; correct?

A. Not necessarily with the education provided and the explanations given.

Q. You believe that.

A. I don't believe that there's ...

Q. Any ambiguity on that issue?

A. Not from my perspective.

Q. Fair enough. All right.

MR. BROWN: I have no further questions.

ADMINISTRATIVE LAW JUDGE: All right. Thank you. Mr. Hudak, you can step down.

With that, Ms. Skarda, do you rest?

MS. SKARDA: I rest, Your Honor.

(Discussion off record.)

(Oath administered.)

ADMINISTRATIVE LAW JUDGE: Your last

name is Wengler, correct, W-e-n-g-l-e-r?

MR. WENGLER: Yes.

ADMINISTRATIVE LAW JUDGE: And your first name is William?

MR. WENGLER: Yes.

ADMINISTRATIVE LAW JUDGE: And do you go by Bill?

MR. WENGLER: Billy.

ADMINISTRATIVE LAW JUDGE: You go by Billy. All right. Are you the Billy of Billy's on Grand?

MR. WENGLER: Yes, for 35 years.

ADMINISTRATIVE LAW JUDGE: All right. Thank you very much for that.

And, Mr. Brown, you may proceed.

WILLIAM WENGLER,

having been first duly sworn, testified under oath, as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q. Good morning, Mr. Wengler.

A. Good morning.

Q. If at any point you can't hear me, just let me know; okay?

A. Yes.

Q. You just told the judge that you are the Billy of Billy's on Grand. Is that right?
A. Yes.
Q. And you were the operator of that business for 35 years?
A. Yes.
Q. You're familiar with the building on 857 Grand?
A. 857.
Q. Grand Avenue?
A. Grand Avenue.
Q. Do you own that building?
A. Yes.
Q. And who do you own it with?
A. Myself.
Q. Okay. And how many businesses are at 857 Grand?
A. Four.
Q. And one of them is Billy's?
A. One is Billy's.
Q. Do you know who the other three -- what the other three businesses are?
A. Paper Source and JUUT and Trade Winds.
Q. Paper Source is a store that sells paper products; is that correct?
A. Yes.

Q. And JUUT is a hair salon-type business; is that right?
A. Yes.
Q. And Trade Winds, what kind of business is that?
A. It's a clothing store.
Q. And all of them are within the 857 Grand building; is that correct?
A. Yes.
Q. Now, do each of those tenants have their own lease?
A. Yes.
Q. And they have their own lease terms; correct?
A. Yes.
Q. Do each of those tenants have certain spaces that they are -- that is theirs?
A. Yes.
Q. Are there common areas?
A. Yes, there are common areas.
Q. Would you tell the Court what constitutes a common area.
A. A common area is any area that is open to the public and to customers of the different shops.
Q. So is it fair to say that common areas are areas that all of the tenants share --
A. Yes.

Q. -- for usage; is that right?
A. Yes.
Q. Do they own any of -- do they have any ownership rights or lease rights?
A. They have no rights to the common area.
ADMINISTRATIVE LAW JUDGE: And, Mr. Wengler, I'm going to have you pause. Let him -- you -- because we're recording, only one person can talk at a time. So I need you to wait until Mr. Brown finishes his question, and then you answer, and then he'll ask you questions, and we'll go, kind of, in order. Thank you.
BY MR. BROWN:
Q. Do the tenants have any lease rights to the common areas, aside from the usage of the common areas?
A. It's in the lease.
Q. That they can use the common areas?
A. Yes.
Q. But if they wanted to do business in the common areas, would that be permitted?
A. No.
Q. You were describing for the judge -- can you give the judge a specific example of the common

areas?
A. The hallways that lead out to Grand Avenue and to Victoria, and those are pretty much the common area.
Q. Where are the restrooms in 857 Grand?
A. I didn't understand that question.
Q. Where are the restrooms? The restrooms at 857 Grand, where are they located? Are they located within a particular leased space, or are they in a common area?
A. They are in the common area.
Q. Did you ever at any point have cameras in the common area?
A. Yes.
Q. And are they still there?
A. No.
Q. Why not?
A. I had them removed.
Q. And why did you have them removed?
A. Because the people in JUUT, they hire cleaning people, and they don't speak English, and they moved around out the door, out the side door, and go down to the basement. And every time they went out down the basement, they'd set off the alarms because they are motion-activated.

Q. And those would be the cameras that would capture activities within the common area; is that correct?

A. Yes.

MR. BROWN: Mr. Wengler, I don't think I have any more questions for you. Thank you.

THE WITNESS: Okay.

MR. BROWN: Stick around, Mr. Wengler. I think the City might have some questions.

THE WITNESS: Say what?

MR. BROWN: Stick around. I think Ms. Skarda may have some questions.

THE WITNESS: Okay.

ADMINISTRATIVE LAW JUDGE: So, Ms. Skarda, you can proceed. Do you have any cross?

MS. SKARDA: No, Your Honor, based on that limited ...

THE WITNESS: No more questions?

ADMINISTRATIVE LAW JUDGE: No, no more questions, Mr. Wengler.

THE WITNESS: Oh, good.

(Discussion off record.)

(Oath administered.)

ADMINISTRATIVE LAW JUDGE: Please be

seated. Go ahead and state your name, spell your first and last names for the record.

MR. PONDER: Luke Ponder, L-u-k-e P-o-n-d-e-r.

ADMINISTRATIVE LAW JUDGE: Mr. Brown, you can proceed.

LUKE PONDER,

having been first duly sworn, testified under oath, as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q. Good morning, Mr. Ponder.

A. Good morning.

Q. Where do you work?

A. Billy's on Grand.

Q. And what do you do for Billy's on Grand?

A. Head of security at 857 Grand.

Q. And you said you're head of security at 857 Grand Avenue --

A. (Inaudible.)

Q. Just --

ADMINISTRATIVE LAW JUDGE: You have to wait until he's done with the question because, otherwise, we're just going to hear a mishmash of people talking and we're not going to be

able to know what the question is or what the answer is when he's talking.

So, Mr. Brown, you can go.

BY MR. BROWN:

Q. You said that you are head of security for 857 Grand. Are you head of security for the entire building, or are you head of security for Billy's on Grand?

A. Billy's on Grand.

Q. And how long have you been in that role?

A. About a year and a half now.

ADMINISTRATIVE LAW JUDGE: And, Mr. Ponder, I hate to --

A. Year and a half.

ADMINISTRATIVE LAW JUDGE: -- please -- yeah, just speak up.

A. A year and a half.

BY MR. BROWN:

Q. Now, you said you're head of security, which would imply that there's more security guards that work there.

A. Yes, sir.

Q. What is the highest number of security employees that Billy's on Grand has had at any one point, and what is the lowest?

A. Twelve and then seven.
Q. Has Billy's on Grand ever hired outside security to assist along with your team?
A. Yes, sir.
Q. And who is that?
A. LIB Security.
Q. And do you oftentimes work together with LIB?
A. Yes, sir.
Q. Tell me, on a typical Saturday -- well, I'm assuming Saturday night is the busiest night. I don't know. What's the busiest night at Billy's?
A. Saturday.
Q. So Saturday night's the busiest night. Tell the Court, generally, how many people you have working security on a Saturday night.
A. About 13, 14 at the most.
Q. And is that a combination of the security that is hired directly by Billy's --
A. Yes, sir.
Q. -- and additional security?
A. Yes, sir.
Q. And you're usually there on Saturday nights?
A. Yes, sir.
Q. So you've got about 13, 14 employees working

security alone; is that right?
A. Yes, sir.
Q. And where are they generally posted?
A. The front door, patio, and different areas inside the bar.
Q. And what is the primary concern for your security team?
A. Safety.
Q. Now, there was some conversation earlier in this hearing -- in fact, yesterday -- about alcoholic beverages leaving the bar. Were you here for that testimony?
A. Yes, sir.
Q. Do you recall it?
A. Yes, sir.
Q. Tell the Court what efforts Billy's makes to make sure that alcoholic beverages don't leave the bar.
A. Well, as security, we ID and we search --
Q. I need you to speak up just a little.
A. We ID and we search and make sure that no one -- patrons leave the building at the end of the night. We make sure there's no fights, no -- keep everything safe.
Q. Sergeant Graupman testified yesterday that he

didn't see any trash cans on the patio for guests of Billy's to dump beverages before they spilled out into the street, Grand Avenue. Do you remember that testimony?

A. Yes, sir. Yes, sir.

Q. Tell me, in that particular area, where the individuals alleged to have left with cups or cans of liquor -- tell the Court what Billy's does in that particular area to make sure that no one leaves with a cup of alcohol.

A. We have security posted outside the door, and there's trash cans on every exit. We (inaudible). They dump the trash or the liquor they have or the cans they have -- they drop inside the trash can. So pretty much we watch that as they are leaving the building.

Q. Do you post someone there at any point in the night to make sure, or is that person there at all times?

A. All times.

Q. There's an allegation that Billy's operates in a way that's, essentially, a nuisance to public safety. That's my characterization of Violation 4. Are you familiar with that allegation?

A. Yes, sir.
Q. What does Billy's do from a security point of view to make sure that the neighbors are -- experience as little hassle as possible from Billy's customers?
A. We make sure everybody is safe. We want to make sure leaving the common area, common time -- we want to make sure everybody leaves and be safe and make sure everything is taken care of before the end of the night.
Q. Well, that's handling some of the hassle as it leaves. What does Billy's security do to make sure that the hassle doesn't come into the bar in the first instance?
A. Oh. Well, we certainly ID and identify anybody that looks like they are intoxicated or if they look like they are a problem, we kind of identify them and then we take care of the problem right then and there before they even came in the building.
Q. And when you say "take care of the problem," what do you mean?
A. Either as they are leaving or (inaudible) or pretty much that's what we do.
Q. So you deny them entry?

A. Yes, sir.
Q. And on March 3rd ...
A. Sorry.
Q. On March 5th -- I'm sorry -- were you working at Billy's?
A. Yes.
Q. In your capacity as security?
A. Yes, sir.
Q. Now, how does security communicate one with the other?
A. Radio communication.
Q. So all of the security guards --
A. Radio communication, yes, sir.
Q. Are they all on the same channel and they can just --
A. We're all on the same channel. We're all on the same channel.
Q. So just -- I know you're a little nervous.
A. Okay.
Q. But be patient with me. Let me get the question out and then answer, so ...
Were you there when the shooting victim came into 857 Grand?
A. Yes, sir.
Q. And tell the Court what occurred.

A. An individual left the building. As he left the building, apparently someone was shooting at him. And the sheriff's department's deputy was there and ...

MALE SPEAKER: Identify (inaudible) the sheriff department.

A. No. They wasn't there at the time. The shooter -- the gentleman was taken care of (inaudible).

BY MR. BROWN:

Q. Now, this is the first I'm hearing that the individual left the building. Was the shooting victim ever in Billy's?

A. Yes, sir.

Q. Okay.

A. Yes, sir.

Q. When he left, was he intoxicated, if you recall?

A. No, sir. No, sir.

Q. So he left the building and he came back into the building -- the testimony earlier was about 1:40 a.m. or so. Is that about right to you?

A. Yes, sir.

Q. What was the effect of having a shooting victim in Billy's?

A. Well, it was terrible. Terrible.
Q. Was it communicated on the radio --
A. Yes, sir.
Q. -- amongst the other employees, the other security guards that someone had been shot and was inside the building?
A. Yes, sir.
Q. Now, when you say he was inside Billy's, do you mean that -- is it your testimony that he was actually inside the bar, or was he just inside 857 Grand?
A. He was in the mall area. Mall area.
Q. So he was never actually --
A. In the bar, no, he wasn't in the bar. He was in the mall area. In the mall area, that's -- yeah.
Q. Okay.
A. (Inaudible.)
Q. I appreciate that clarification.

You said it was terrible when all the security guys -- security guards learned that someone had been shot and had entered the mall area. Is that right?

A. Correct.
Q. What effect does that type of --

(Inaudible due to audio buffering.)

BY MR. BROWN:

Q. -- event have on your perspective of security at that given moment?

A. It was just a bad situation that happened and, you know, it was just -- I was shocked that it had happened.

Q. I understand that. But I'm asking you, did it affect your security position?

A. Yes, it did.

Q. And how so?

A. (Inaudible) around, just the feeling that it happened in that building.

Q. I'm not asking you about your feelings at this point.

A. Oh, okay.

Q. I'm asking you: What did you do upon learning that someone had been shot? How did it change your security stance, if at all?

A. It didn't change at all.

Q. Did it make you more cautious or less cautious?

A. Yes. But I've dealt with situations like that before so it was kind of like -- I've seen that kind of built-in situation before, so, yeah, it kind of changed (inaudible).

Q. How many security guards that were on staff that night responded to the gentleman being shot?
A. Ten. Ten or twelve maybe.
Q. And did that leave the rest of the bar vulnerable in a sense?
A. Yes, a little bit. Not really because we had enough staff, but ...
Q. Well, what I mean is, obviously -- how many did you have working that night?
A. Ten, twelve. I would say twelve maybe.
Q. So you say twelve?
A. Yes, sir.
Q. And ten responded to the shooting victim?
A. Pretty much.
Q. So there were two security guards left to deal with all of the other patrons?
A. Maybe three. There were three because we had the patio, and that was covered. We had three, so ...
Q. So about three people were dealing with the rest of --
A. The bar, yes.
Q. Okay.
MR. BROWN: All right. I don't think

I have any more questions for you, Mr. Ponder.

ADMINISTRATIVE LAW JUDGE: All right.

Ms. Skarda, any cross-examination?

CROSS-EXAMINATION

BY MS. SKARDA:

Q. Just one clarification. Was the shooting victim ever inside Billy's bar?

A. I'm sorry?

Q. Was the shooting victim ever inside Billy's bar?

A. No, ma'am.

Q. It was the mall?

A. The mall.

Q. I just wanted to make sure I got that right. Thank you.

MS. SKARDA: That's all, Your Honor.

ADMINISTRATIVE LAW JUDGE: Any redirect?

MR. BROWN: No.

(Discussion off record.)

(Oath administered.)

ADMINISTRATIVE LAW JUDGE: Please be seated and then state and spell your first and last names for the record.

MR. GILBERT: Chuck Gilbert, C-h-u-c-k

G-i-l-b-e-r-t.

ADMINISTRATIVE LAW JUDGE: Mr. Brown, you can proceed.

CHARLES GILBERT,

having been first duly sworn, testified under oath, as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q. Now, Mr. Gilbert, you said your name is Chuck. Is your, as we say, government name, is it Charles and you go by Chuck?

A. (Inaudible). The middle name is Charles.

Q. Okay. All right. And what role do you play at Billy's?

A. General manager there.

Q. How long have you been in that role?

A. Since inception. Since day one.

Q. And how long is that?

A. Oh, gosh. We opened up -- the first day of operation was May 28th of 2021.

Q. And what are your responsibilities as general manager at Billy's?

A. (Inaudible) product and make sure the staff is trained, execution and delivery of our services, making sure that the security team

has what they -- their needs, in order to have a fun, safe environment and make sure we have all the products and services necessary to be financially successful.

Q. And this isn't your first rodeo, is it?

A. No. I've been in the business for 27 years, starting in 1997.

Q. Managing various bars and restaurants?

A. So Southeast (inaudible) in Minneapolis, the (inaudible) Lounge in Minneapolis, Seven Steakhouse & Sushi, Bus Stop Burgers & Brewhouse, and Granite City.

Q. You've mentioned that you -- do you oversee security from your role as general manager?

A. In my responsibilities, I oversee all departments.

Q. And that includes security?

A. It does include security.

Q. And Mr. Ponder is the person you look to primarily for security --

A. That's correct.

Q. -- issues? Is that correct?

A. That's a yes.

Q. You were here for the testimony of Sergeant Graupman and Mr. Hudak; is that correct?

A. That is correct.
Q. You recall there being some testimony about alcohol leaving the premises; is that correct?
A. That is correct.
Q. I should say, do you recall?
A. I do.
Q. Sergeant Graupman testified that bars usually don't serve nonalcoholic beverages in cans. Do you recall that testimony?
A. I do recall that.
Q. Does Billy's on Grand as currently constituted sell nonalcoholic beverages in cans?
A. Yes, we do. Billy's on Grand has, I believe, 18 SKUs, stock-keeping units, of products that are nonalcoholic beverages that come in cans.
Q. And give the Court some examples of those.
A. Red Bull, Red Bull Sugar-Free, Rockstar Mango, Rockstar Watermelon, HopStar NA beverage, Heineken 0.0. Let me see. Diet Pepsi, Pepsi, 7-Up, Ginger Ale, Sierra Mist, Red Bull Dragon Fruit, Red Bull Blueberry, Red Bull Coconut.
Q. And that's impressive. I don't think we ...
(Inaudible due to overlapping speakers.)
ADMINISTRATIVE LAW JUDGE: I don't

even know what some of those are.
BY MR. BROWN:
Q. So all of them are nonalcoholic beverages?
A. That's correct.
Q. And when you used the initials NA, what does that mean?
A. It stands for nonalcoholic.
Q. And there are certain beers that come in cans that are nonalcoholic as well?
A. That's correct. When we inherited the business, there were six SKUs that were nonalcoholic that I wasn't even familiar with. There's a (inaudible) nonalcoholic beverage. There's several different nonalcoholic beers that we have (inaudible).
Q. I want to get your view of what Billy's does to make sure that alcohol doesn't leave the premises. Just tell the Court.
A. All of our staff are trained in to make sure that we provide a fun and safe environment and make sure that we have sight and eyes on our products on the patio and any entrance or exit. So we are constantly talking, either during pre-shift, talking to the team members, or making sure that nothing leaves the patio.

So we -- during highlighted nights, we have security stationed at points of entry and exit to make sure that that does not happen. (Inaudible) that extra amount of protection. We rearranged our patio to make sure that that other -- only one point of access and just to make general oversight. We're constantly doing our figure 8s, going from point to point throughout the restaurant, looking at those points of entry and exit.

Q. Now, as general manager of Billy's -- I believe it was Ms. Livingston that testified that she came and she met with you. Do you recall that meeting?

A. Yes, I do.

Q. Have any other neighbors come in to meet with you?

A. Yes, they have. The Kerns (ph), who were here yesterday, have come to meet. Michelle -- her last name is Palma (ph). She lives across the street. She's come in here to meet with us. Armadi Prusch (ph) from the neighborhood association has come to meet. So approximately 14 different neighbors have come to meet at different times and sat down and talked to me.

Q. And you've made time for all of them?
A. Oh, absolutely.
Q. And were all -- were the meetings always pleasant?
A. The initial meeting was one of getting to know who we were. There was an assumption that -- we inherited some negative light. What the neighbors do not know is that the previous operator had little experience. We have had -- and I have over 30 years in (inaudible) situations. So hope to build (inaudible) communication and develop the relationship.
Q. But beyond that, have neighbors come in and said, you know, "Hey, listen. You guys are too loud, terrible," or any other type of complaint directly to you?
A. There was one occasion. One gentleman who was -- had a real estate -- or an apartment building down -- a couple blocks down, who came in expressing concern with our operation.
Q. And how did you handle that?
A. Well, we informed him that areas that he was pointing to was not in our direct control.
Q. Okay. What area was he pointing to?
A. It was the parking lot, the back side of the

parking lot. It's adjacent to Billy's on Grand.

Q. And how did he respond to that?

A. With frustration, as demonstrated by him raising his voice and making threatening statements that he was going to get us shut down.

Q. Are you there most nights as general manager?

A. Not most nights, but I'm there six out of seven days a week.

Q. That's most nights.

A. Yeah. (Inaudible.) I'm 55 so I don't see the things (inaudible) in, but I'm there the majority of the time (inaudible).

Q. Were you there on March 5th, when the shooting incident took place?

A. No, I was not.

Q. Were you there the night that the deputy sheriff got into a fight with the patron who was rejected?

A. I was there earlier in the evening. I was not there for that piece.

Q. Are you aware of, as general manager, what constitutes the licensed premises?

A. One more time.

Q. What constitutes the licensed premises? In other words, where can you sell alcohol?
A. (Inaudible.) Yes, I'm aware.
Q. Okay. And where is that? Where -- one second. Where is Billy's allowed to sell alcohol?
A. Inside the footprint of Billy's on Grand. In our building?
Q. Yeah.
A. In our leased space and patio.
Q. Are you permitted to sell alcohol in the hallways?
A. In the hallway?
Q. Yes.
A. Absolutely not.
Q. Okay. And you're not permitted to sell alcohol in any of the common areas?
A. We are not.

MR. BROWN: That's all the questions I have for you, Mr. Gilbert. Appreciate your time.

ADMINISTRATIVE LAW JUDGE: Ms. Skarda, any cross-examination?

MS. SKARDA: Yes, Your Honor.

CROSS-EXAMINATION

BY MS. SKARDA:

Q. Good morning, Mr. Gilbert.
A. Good morning.
Q. Can you just clarify what your general hours are for me?
A. General hours of the facility or --
Q. No. The general hours of you working. I got a little confused.
A. Oh. My hours, they vary. Generally, they start at -- (inaudible) start at 8:00. I can start at 11:00, and it varies. Sometimes I start 2:00 to 3:00. On Sundays I do brunches and I'm there at 9 a.m. And generally I go to (inaudible) for increase in business, and then I can adjust my schedule in order to close. So I may help show people some things, you know, oversight of what's going on. So I keep my (inaudible) close to the business.
Q. So approximately how many nights a week do you close?
A. Generally, not too many, but probably about (inaudible) four to six.
Q. Four to six?
A. Yes.
Q. You close the business?
A. Yes.

Q. Okay. Perfect.

Are there bathrooms inside of Billy's?

A. Inside of Billy's?

Q. Yes.

A. No. They are in the common area.

Q. And Billy's needs the bathrooms --

A. We have employee bathrooms on the second floor.

Q. Are there public bathrooms inside of Billy's?

A. No.

Q. They're in the hallway that we're speaking of?

A. That's correct.

Q. Are you familiar with the security plan that Sergeant Graupman referred to yesterday?

A. Which one are you referring to?

Q. So you heard Sergeant Graupman testify yesterday?

A. Uh-huh.

Q. Is that a yes?

A. It's yes.

Q. I'm just doing that for the ...

ADMINISTRATIVE LAW JUDGE: Yeah. We need to have a yes or a no -- because of the recording -- all the time.

BY MS. SKARDA:

Q. So you heard him talk about a security plan

that is on file and he reviewed?
A. Yes.
Q. And he talked about it being the same plan as the prior -- as the licensee had, RJMP; correct?
A. Yes.
Q. Are you familiar with that plan?
A. Yes.
Q. Do you know where camera Channels 24 are?
A. I see all of the cameras and I don't commit to memory. I have to look on the screen. (Inaudible) number (inaudible) in the office.
Q. So is Channel -- based on your knowledge and understanding, is Channel 24 within the licensed premises of Billy's?
A. I don't recall.
Q. How about Channel 29?
A. I can't recall.
Q. And do you control access at the street entrance on Victoria?
A. On highlighted nights we do. Not street access there. Our security team is stationed to the common area prior to the entrance to Billy's on Grand.

MS. SKARDA: That's all. Thank you.

THE WITNESS: You're welcome.

ADMINISTRATIVE LAW JUDGE: Wait. Any redirect?

MR. BROWN: No.

(Oath administered.)

ADMINISTRATIVE LAW JUDGE: Please be seated. Go ahead, just for the record, and state and spell your first and last names.

MR. SPEARMAN: Wesley Spearman, W-e-s-l-e-y, Spearman, S-p-e-a-r-m-a-n. Good morning.

ADMINISTRATIVE LAW JUDGE: Good morning.

Mr. Brown, you can proceed.

WESLEY SPEARMAN,

having been first duly sworn, testified under oath, as follows:

DIRECT EXAMINATION

BY MR. BROWN:

Q. Good morning, Mr. Spearman. What is your role at Billy's on Grand?

A. I am one of the owners of Billy's on Grand; the managing operator.

Q. And how long have you been in that role?

A. Since the beginning. We purchased in April

of '21.
Q. Tell the Court your experience in operating the bar/restaurant business.
A. I've been in the business over 20 years in multiple different positions; primarily bartending in some smaller venues; managing those smaller venues. I do have an extensive history in some promoting and overseeing some of my staff --
(Inaudible due to audio buffering.)
A. -- for probably 15 years of that.
BY MR. BROWN:
Q. So you've got Mr. Gilbert as your general manager; correct?
A. That is right.
Q. And you have Mr. Ponder as your head of security; is that right?
A. That is correct.
Q. And are you there on location with any level of frequency?
A. I am there often. More than not.
Q. Give the Court a sense, on average, how many days a week you are there.
A. Six, sometimes seven days a week. Most days I pop in there about 8:00 a.m., in the morning.

I work until about 4:00, and then I take off for a couple hours, and then, give or take, come back and wrap the evening up.

Q. Is it fair to say that you're intimately familiar with the operations of Billy's?

A. Absolutely.

Q. Were you a signer of the lease that permits you to operate out of 857 Grand?

A. I was.

Q. And are you familiar with the license restrictions that are imposed on Billy's on Grand?

A. I am.

Q. One of the license restrictions requires that you have cameras working within the licensed premises. Are you familiar with that?

A. I am.

Q. Tell the Court what you understand the licensed premises to be.

A. My leased premises are from the street of Grand from the patio back into the inside of the structure. It goes around to the back. And then once we get to a double door that separates the restrooms and the mall, that is where my lease ends.

Q. Okay. You've told me about the leased premises. I'm asking about the licensed premise.
A. My apologies.
Q. One second.
They may be the same. They may be different. Do you understand the leased premised and the licensed premises are coextensive, one and the same?
A. What I would say is -- yes, I believe they are within the same responsibility for my business.
Q. Are the common areas part of the leased business?
A. Only by use.
Q. Are the common areas part of the licensed premises?
A. No, they are not.
Q. There was some testimony earlier about the lack of cameras for operation or availability of cameras in the hallway. Do you recall that testimony?
A. I do.
Q. Are those cameras that are in the hallway your responsibility?
A. To my understanding, they are not.

Q. And why do you have that understanding?
A. Speaking with Justin, who is the overseer of the property, when I asked to place cameras in that area, I was advised that I'm not able to because it's a common area and not my responsibility.
Q. So at some point you attempted to put a camera system in the hallways?
A. Yes. I had two additional security cameras in my place of business to make sure that we covered all aspects, and when we tried to place that additional camera out there, I was told I could not.
Q. Were you working the night of the shooting?
A. I was.
Q. How did you learn that a person had been shot?
A. My initial awareness of my security team scrambling is what alerted me. I don't have a walkie-talkie, I guess. So with that scramble, I proceeded to the area that they were going to.
Q. The earlier testimony from Mr. Ponder was that there were about nine to twelve security guards working that night. Do you recall that testimony?

A. I do.

(Inaudible due to audio buffering.)

A. -- on for how many security staff we had operated between the number of twelve --

(Inaudible due to audio buffering.)

A. -- asked to have the parking lots controlled and things like that. But, yes, it's safe to say it was at least twelve.

BY MR. BROWN:

Q. Did you at all respond to the scene of the shooting?

A. Absolutely.

Q. Do you recall how many other security guards were present?

A. I would say about nine.

Q. I asked this question to Mr. Ponder and I'll ask it to you. When someone is shot, does that change, kind of, the security posture of the building and how you operate it?

A. The environment becomes very tense because people want to leave, and we want them to be able to leave safely -- right? -- and we're not quite sure what's going on on the outside of this premise. So security is more making sure and looking out for what is safe for people.

It may not necessarily be looking for other things as far as cups.
Q. Mr. Spearman, have you ever been uncooperative with DSI?
A. No.
Q. If they've asked you for something, have you made every effort to give them what you had?
A. Absolutely.
Q. There was an occasion where DSI showed up at Billy's on Grand at about 5:00 on a Sunday. Do you recall that testimony?
A. I do.
Q. And they requested video?
A. That's correct.
MS. SKARDA: Objection. I believe Counsel misspoke.
MR. BROWN: That's a fair point.
BY MR. BROWN:
Q. St. Paul Police Department requested video?
A. They did.
Q. You weren't at the facility at the time; is that right?
A. I was not.
Q. Tell me how you came to learn of SPPD's request for video?

A. I received a call from one of my staff members.
Q. And without great detail, what were you doing at the time?
A. Huh. Probably enjoying time with my future wife.
Q. What did you do in response to that call?
A. I immediately went to Billy's on Grand.
Q. How long did it take you to get there?
A. Roughly, about ten minutes. I lived in Roseville at the time.
Q. When you got there, what did you do?
A. I immediately took the officers to the space where the security cameras were and I showed them all the video that was available.
Q. The officer testified that you could not provide him a copy of the video. Is that right?
A. I believe what the officer said yesterday, that I was unable to complete his request. That was based off the fact of not being able to give him a thumb drive of the video.
Q. Why couldn't you give him a thumb drive?
A. Because I didn't have a thumb drive.
(Inaudible due to audio buffering; 0:41:69.)

BY MR. BROWN:

Q. There's, kind of, a general allegation, Violation No. 4, that suggests that you're operating Billy's in a manner that fails to provide a safe environment for patrons or the public. What do you say to that allegation?

A. Respectfully to the City and everyone, we purchased a business in April of '21. We had no knowledge of how (inaudible) would be operated. We went in and we have worked hard to turn this place around from the previous outfit.

There was some negativity. There was some issues going on and coming fresh out of COVID, we saw those issues front and center in the beginning of March. We pivoted. We changed. We've worked with neighbors. I have been nothing but open with the City, DSI, St. Paul PD, in any respects to make sure that this place is pivoting and working in a way in the area that is beneficial for everyone.

I am not stubborn, naive, or displaced in the matters that are happening. Safety is important and --

(Inaudible due to audio buffering;

0:42:50.)

BY MR. BROWN:

Q. -- you have from twelve to -- on any given day, you have double-digit -- fair to say -- number of security guards working; is that right?

A. Yes, sir.

Q. And that's in addition to outside security that you hire?

A. So we hired Ramsey County sheriffs to also -- to provide a safe environment for the venue. They are very determined (inaudible).

Q. What's the most you've spent on security in any given month?

A. Last month I spent $16,000 on security.

Q. And you've been in the industry for a while. Is that a high number?

A. It is a ridiculous number.

Q. And why so much security?

A. We had issues and we wanted to clean up those issues and we did everything in our power to make sure that we did.

Q. There was a previous violation that was paid. Do you recall that violation?

A. I do.

Q. Do you recall the testimony about that

violation?
A. I do.
Q. I believe Mr. Hudak testified that by paying the violation, you admitted the wrongdoing -- alleged violation. Do you recall that testimony?
A. I do.
Q. Is that accurate?
A. It is not.
Q. Why did you pay the fine?
A. There are multiple reasons why I felt that I had to pay the fine. I purchased this business from Randy Johnson in April of '21. I applied for a liquor license in April of '21. In November of '21, I still had not had my license.

This adverse action that they presented, the initial one, was the furthest thing from the truth; as this one is as well. But I was told due to the fact that I was not the primary responsible party for the license that I was unable to dispute it.

Q. So you were advised that you, essentially, didn't have standing or right to fight; is that correct?

A. That is accurate, sir.
Q. But you paid the fine; correct?
A. I did.
Q. Did you sign off on any agreements with the City?
A. I did.
Q. Related to that fine?
A. I did.
Q. What agreement did you sign off on?
A. The additional conditions.
Q. So that was your signature, not Mr. Spearman's?
A. No. It's Mr. John --
Q. I'm sorry. Mr. Johnson's. Is that right?
A. That is correct.
Q. I'm going to borrow a question from my friend, Ms. Skarda. Is there anything you want to tell the Court that I haven't told the Court that you haven't -- about how you operate Billy's and these various allegations against the business you run?
A. I would say from the beginning of the initial adverse action, I found it interesting to receive that adverse action due to the fact that we were roughly about two weeks into the time of after receiving our license. We got

the approval from the neighborhood association and all the requirements that were needed. And instead of the City letting that process go in place and then coming in and having a conversation with me on any of the issues that they deemed at that time as an issue, they chose this adverse action to once again prevent me from receiving my license.

Q. Let me ask you this. Have you reached out to DSI on issues concerning licensing?

A. Absolutely. I --

Q. You've answered the question. Okay.

So you reached out to DSI on the issues concerning the license; is that right?

A. Correct.

Q. And have they been responsive?

A. Yes.

Q. And you've got a good working relationship with them or a poor working relationship with them?

A. I have spoken to Mr. Hudak more than probably he has wanted.

Q. But you would consider it a good working relationship?

A. Yeah. Ross Heddle (ph), which was my initial point man, has been great. I have nothing but

high regards for that gentleman. And Eric Hudak, as he is in a position that he is in, I hold no malice towards him in these matters. I just understand that there's a process.

MR. BROWN: I appreciate your time, Mr. Spearman. I don't have any other questions.

ADMINISTRATIVE LAW JUDGE: Ms. Skarda, any cross?

MS. SKARDA: Yes.

CROSS-EXAMINATION

BY MS. SKARDA:

Q. Good morning, Mr. Spearman.

A. Morning.

Q. So how did you get involved with Mr. Wengler and RJMP?

A. Involved is an interesting question. But I purchased -- so in November of '21, we were in the process of purchasing a business. I went to look at Billy's on Grand. Randall Johnson and RJMP Group was the owner. In the midst of COVID, they shut down, and I purchased the business from him. In the midst of that, I worked with Mr. Wengler and his brother to work on the lease.

Q. So how much contact have you had with Randall Johnson as the actual licensee?
A. I spoke with him this morning.
Q. And where is he?
A. I am unaware.
Q. You said you bought this business from him. So he asked for money for the business?
A. Yes.
Q. And what did you get from him?
A. The inside of the interior of what's considered Billy's on Grand, equipment and product, the name, so forth.
Q. So I just want to be clear. Did you buy that from Mr. Johnson or Mr. Wengler?
A. Johnson.
Q. Were you aware that Mr. Johnson had no right or authority to the interior of Billy's?
A. I would beg to differ, but Mr. Johnson had --
MR. BROWN: You've answered the question.
BY MS. SKARDA:
Q. So are you aware that Mr. Johnson had skipped out on his lease, basically?
A. Not my concern.
Q. If he didn't have a lease to the licensed

premises with Mr. Wengler, how, in your mind, could he have rights to the business inside?

MR. BROWN: Objection; calls for speculation.

ADMINISTRATIVE LAW JUDGE: I'm going to overrule it and I'm going to allow you to testify, if you know.

A. I am unaware of their dealings.

BY MS. SKARDA:

Q. Are you aware that Mr. Johnson is right now demanding $75,000 cash to turn back in the license from Mr. Wengler?

A. I've heard speculation as to those things.

Q. And as the buyer of -- are you aware that licenses actually belong to the City of St. Paul?

A. I am aware.

Q. I'm going to borrow from my colleague. Is it true or false, on March 13th, when Officer Lyfoung came to investigate what he testified was a serious assault, that you were unable to provide access to all of the cameras?

A. No. It's false.

Q. And is it your testimony that you were unable to make a copy for Officer Lyfoung?

A. That is correct.
Q. And are you familiar with your security plan?
A. I am.
Q. And is it your claim that camera -- I shouldn't have turned --
(Inaudible due to audio buffering; 0:52:02.)
BY MS. SKARDA:
Q. -- surveillance plan that was submitted to the City?
A. Is it a part of it?
Q. Yes.
A. Yes, it is a part.
Q. And is Channel 29 a part of the surveillance plan that was submitted to the City?
A. It is.
Q. And that was reviewed and approved -- correct -- by Sergeant Graupman?
A. I would say that Sergeant Graupman never met with me, nor came in and discussed anything with me when it came to the security plan. What I submitted was what I was originally told was put in place by Billy's on Grand.
Q. Does Ramsey County still provide security?
A. They do not.

Q. And when did they stop?
A. I don't know the exact date.
Q. Are you aware of why they stopped.
A. I was advised that due to other opportunities in less [sic] environments, this person working in a hospital was more critical than working in the bar/restaurant area.
Q. Now, does the City require you to have a certain number of security guards?
A. No.
Q. The City doesn't drill down that far?
A. The City drills down to the fact that they request that the area is patrolled.
Q. And that makes sense. And part of this figure 8 that Mr. Ponder and Mr. Gilbert testified is part of the plan you put in place?
A. I would say that is (inaudible) inside. That has no requirements for the outside that the City has requested.
Q. Let me just have one second.

About how many hours a week do you think you put in at Billy's?
A. Sixty to -- I'd say -- let's say close to sixty, if not more.
Q. And you had testified that you weren't looking

to buy a bar when you found -- came across Billy's?

A. That's accurate.

ADMINISTRATIVE LAW JUDGE: I'm sorry. Could ...

A. That is accurate.

BY MS. SKARDA:

Q. And you've invested a lot in trying to -- to use your words -- get rid of this negative light that came with it when you bought it?

A. We reinvested into the business to make it a fun, safe environment regardless of whatever the environment was prior.

Q. And what was the negative light?

A. There were multiple statements that I've heard from neighbors that -- starting from the shooting that happened in, I think, 2020, up to some of the activities that were happening inside of the restaurant that was not great behavior from patrons or staff.

Q. And it's not your testimony that when -- on March 18th, when DSI requested video, that you were able to provide all of the video they requested; correct?

A. So my testimony is that I provided all the

video. I did not not say anything. I didn't keep 24 and 29 off of the request. I sent everything that I had available to me.

Q. So was 24 and 29 part of that request that you --

A. I sent what was on the camera system.

Q. And did you subsequently become aware that 24 and 29 -- Cameras 24 and 29 weren't included?

A. It wasn't that they weren't included. At that time, Mr. Hudak advised me that they were not working. And then I researched the matter and sent him what I seemed to see the day or two before, that they had not been working properly (inaudible). And I sent him snippets of what -- that it was a malfunction of the cameras, not something that I intentionally withheld.

Q. And Mr. Hudak never include- -- Mr. Hudak or the Department of Safety and Inspections has never alluded that you intentionally withheld it; correct?

A. No.

MS. SKARDA: I don't think I have any other questions.

ADMINISTRATIVE LAW JUDGE: Any

redirect?

MR. BROWN: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MR. BROWN:

Q. Mr. Spearman, tell the Court how the process of establishing the surveillance plan came about.

A. I reached out to Sergeant Graupman multiple times, requested a meeting we never had, and eventually I was advised to just send in an email of the information because he was already fully aware of the previous outfit that had the security system in place.

Q. The conversation about cameras, I think it's 24 and 29 -- are 24 -- Cameras 24 and 29 within your licensed premises?

A. It is not.

Q. Is Camera 24 and 29 part of the surveillance plan?

A. It is.

Q. Why is 24 and 29 part of the surveillance plan?

A. I believe the original owner of 35 years had it -- a part of the security system when it was put in place.

Q. When you sent Sergeant Graupman the surveillance plan, what did you send him?

What did you tell him?
A. I sent him copies of what I was essentially told, the footprint of Billy's and the camera layout.
Q. Did you specify any particular cameras?
A. I did not.
MR. BROWN: Nothing further.
EXAMINATION
BY ADMINISTRATIVE LAW JUDGE:
Q. I just have a clarifying question I want to understand. Do you know where Cameras 24 and 29 are?
A. I do.
Q. Where are they?
A. One is -- 24 is for the hallway of the restroom, and 29 is a camera of four different cameras [sic]. It covers the mall and the back alley of the mall.
Q. Okay. So it's your belief that 24 and 29, they are not in your premises and they're not anything that you have the ability to control?
A. Correct.
Q. All right. And then you said that you spoke to someone named Justin about the possibility of putting cameras out into the common areas, and

you were told no, you couldn't do that.
A. That is accurate.
Q. And what is Justin's last name?
A. Ah, S ...
MS. SKARDA: Selbitschka.
A. Selbitschka.
ADMINISTRATIVE LAW JUDGE: Okay. Can someone spell that.
MS. SKARDA: It's been a long time. S-e-l-b-i-t-s-c-h-k-a.
BY ADMINISTRATIVE LAW JUDGE:
Q. All right. And what is Justin's role with respect to 857 Grand?
A. He does some internal cleaning for me; but he has been a part of Billy's on Grand for 30 years. He is also the maintenance person for the mall, Victoria Mall.
ADMINISTRATIVE LAW JUDGE: All right. Thank you.
Any recross, Ms. Skarda.
MS. SKARDA: Yes, because I'm totally confused.
ADMINISTRATIVE LAW JUDGE: Okay. And, Mr. Brown, I'm going to come back to you, also, based on the questions I asked.

RECROSS-EXAMINATION

BY MS. SKARDA:

Q. I'm just making sure that the information that I'm going to be referring to is actually potentially readable. (Inaudible.)

So back to Cameras 24 and 29. Are they or are they not part of your security plan?

A. They are a part of the surveillance plan, yes.

Q. So they are part of the surveillance plan.

And you're aware of your license conditions; correct?

A. I am.

Q. And Exhibit 4-2 contains those conditions that are part of your license right now; correct?

A. Part of my license, yes.

Q. They are part of the license that RJMP --

A. Correct.

Q. -- holds and that you manage under?

A. Correct.

Q. License Condition No. 5, can you read that -- or wait. Let me make sure I've got the right one.

License Condition No. 4. Could you read that to us, please.

A. Four?

Q. Four.

A. Licensee will create a video surveillance camera and lighting placement plan, video surveillance plan for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the St. Paul Police Department, SPPD, liaison with the Department of Safety and Inspection, DSI, for review and approval. In accordance with the approved surveillance plan, licensee will ensure that video surveillance camera is in good working order; ensure it is recording 24 hours per day; and ensure it can produce recordings of surveillance video in a commonly used, updated format; and ensure that accurate date and times of the day are visible on all recorded video. Licensee will retain surveillance video for a minimum of 30 days. If an incident is deemed serious by SPPD, licensee shall make a surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, licensee shall have the technology, material, and staff available to immediately make a copy.

Q. That's fine.

So that condition was on -- if you're aware, was that condition on the license before the prior adverse action?

A. Yes.

Q. And you signed the -- you paid a fine for the prior adverse action?

A. I did.

Q. And you signed the license conditions?

A. I did.

Q. And you did this under the management agreement that you had with Mr. Johnson/RJMP; correct?

A. I did.

Q. So you were acting within your authority?

A. I did -- I was.

Q. And it's your testimony that Camera No. 24 was or was not on that surveillance plan?

A. It was.

Q. Is it your testimony that Camera No. 29 was or was not a part of that surveillance plan?

A. It was.

Q. And Camera 24 is an angle on --

A. It's the hallway by the restroom.

Q. By the restroom. Okay.

And Camera 29 --

A. Is a four-display. It has the mall area and the back of the alley of the mall.
Q. And that's -- by four, do you mean it, like, gives four shots?
A. Four different shots.
Q. And after you learned that these cameras weren't working or that -- strike that.

After you learned that what you provided to Mr. Hudak was missing 24 and 29, you did some investigation; correct?

A. Correct.
Q. And you tried to figure out why they were offline?
A. Correct.
Q. And those are -- the results of your work is contained in Exhibits 12 through 17; correct?
A. Yes.

MS. SKARDA: Okay. That's all. I just -- I got a little confused, and I apologize.

ADMINISTRATIVE LAW JUDGE: Mr. Brown, I'm going to circle back to you again because I asked questions in between. So is there any additional direct that you would have for Mr. Spearman?

MR. BROWN: Briefly, Your Honor.

ADMINISTRATIVE LAW JUDGE: Yes.

REDIRECT EXAMINATION

BY MR. BROWN:

Q. Sticking with Exhibit 4-2, it reads: Licensee will ensure that video surveillance camera is in good working order. Do you see that sentence there or --

A. I do.

Q. -- that phrase there? Do you see that?

A. I do.

Q. Did you understand that sentence to mean that the system could never fail?

A. No.

Q. What did you do to make sure that the system was in good working order?

A. I contacted the company that fixes it.

Q. Did you have any knowledge prior to SPPD's request for video that the cameras, 24 and 29, were not working?

A. No.

Q. You testified earlier that Cameras 24 and 29 had gone down a couple of days before St. Paul Police Department's request; is that right?

A. That's correct.

Q. And how do you know that?

A. Because I went back to figure out, kind of, why the video wasn't available to them, based on what I said.
Q. Do you routinely monitor the camera, the video surveillance camera system?
A. There are 32 cameras.
Q. Well, I don't mean do you sit --
A. No, I do not.
Q. Let me ask the question.
A. Sorry.
Q. I don't mean to say that, do you sit there and watch them all day, but do you pay attention to whether the cameras are working or not?
A. Absolutely. They're all in my office.
Q. And how often do you look at the cameras?
A. Often.
Q. And if a camera was not functioning or you could see that a camera was not functioning, what would your reaction be?
A. I would contact the company to fix them.
Q. Even cameras that are not within your bailiwick, you would pay money to fix; is that right?
A. That is correct.
Q. As you understood the status of your camera

system -- video surveillance camera system, was it in good working order during the month of March 2022?

A. We clearly had some malfunction, but prior to me not knowing, yes, it was working.

Q. And how much did you pay to get those cameras fixed?

A. I don't have a number, but I'm sure it's like $300 a camera, at least, to have them come out.

Q. The cameras that you were attempting to put in the hallway, would those have been substitute cameras for Cameras 24 and 29?

A. No. It would have been additional.

Q. And why did you want additional cameras there?

A. The other systems are -- I wanted to be able to make sure that I could see all things that are, kind of, going on to able to be safe.

Q. Was it an upgraded system that you were attempting to put out there or was it a comparable system?

A. Upgraded.

MR. BROWN: I have no further questions.

ADMINISTRATIVE LAW JUDGE: Ms. Skarda, any additional questions?

MS. SKARDA: No, Your Honor.

ADMINISTRATIVE LAW JUDGE: All right. Thank you, Mr. Spearman.

STATE OF MINNESOTA)
) ss. CERTIFICATE
COUNTY OF RAMSEY)

BE IT KNOWN THAT I, Tracy A. Schmitz, the undersigned, a duly commissioned and qualified Notary Public within and for the county and state aforesaid, do hereby certify that the foregoing is a true and correct copy of my original stenotype notes taken, to the best of my ability, while listening to the audio recording of the Administrative Hearing;

That I am neither a relative of, nor attorney for, any of the parties to the cause and have no interest whatsoever in the result of the same.

WITNESS MY HAND AND SEAL this 19th day of September, 2022.

_____

Tracy A. Schmitz, RPR
Notary Public
Ramsey County, Minnesota
My commission expires 1/31/2025

$

$1,000 [1] - 11:20
$16,000 [1] - 241:14
$2,000 [1] - 50:22
$300 [1] - 261:9
$500 [5] - 23:15, 26:10, 28:10, 47:22, 119:22
$75,000 [1] - 247:11

'

'21 [6] - 233:1, 240:8, 242:13, 242:14, 242:15, 245:18
'22 [2] - 89:22, 89:23

0

0.0 [1] - 223:19
0047 [1] - 138:12
01 [2] - 132:25, 140:8
01:39:42 [1] - 135:11
01:40 [2] - 134:24, 135:13
01:41:03 [1] - 138:16
01:41:17 [1] - 139:25
01:43:35 [1] - 144:6
01:47:23 [1] - 144:15
01:47:42 [1] - 147:23
01:51 [1] - 62:4
01:53 [3] - 61:6, 61:14, 61:23
0:40 [1] - 66:12
0:41:69 [1] - 239:25
0:42:50 [1] - 241:1
0:52:02 [1] - 248:7

1

1 [36] - 23:5, 23:7, 24:3, 26:19, 54:19, 54:21, 54:22, 55:22, 56:24, 58:2, 58:5, 58:7, 58:21, 58:23, 58:24, 59:2, 61:6, 63:20, 68:24, 69:1, 131:11, 133:7, 136:21, 136:23, 141:19, 145:7, 145:8, 145:14, 149:16, 149:18, 152:20, 156:15, 175:6, 175:13
1-1 [6] - 22:19, 22:23, 22:24, 23:13, 26:7, 119:14
1-2 [1] - 119:20
1-32 [1] - 120:5
1-36 [2] - 26:7, 119:14
1-4 [1] - 26:20
1-7 [2] - 28:6, 28:9
1/31/2025 [1] - 263:24
10 [1] - 188:13
10-1 [4] - 34:9, 36:20, 156:5, 183:20
10-day [1] - 50:22
100 [9] - 99:3, 99:4, 99:18, 99:19, 100:2, 100:15, 100:18, 101:11, 172:24
105 [1] - 166:23
108 [1] - 2:12
109 [1] - 2:13
11 [4] - 35:3, 35:5, 156:13, 156:15
11-1 [6] - 22:22, 35:24, 36:2, 37:1, 157:8, 157:19
111 [2] - 2:14, 189:20
11:00 [1] - 229:10
11:30 [1] - 157:4
11:43 [1] - 157:1
11:59 [1] - 157:2
12 [4] - 35:4, 89:2, 151:17, 258:16
12-1 [1] - 37:15
12-13 [1] - 74:10
12-3 [1] - 37:16
12-month [1] - 11:5
128 [5] - 165:7, 167:14, 189:11, 189:13, 192:12
12:30 [3] - 35:4, 51:24, 156:14
12th [5] - 79:2, 79:7, 79:14, 104:16, 156:13
13 [5] - 78:14, 82:21, 89:19, 211:17, 211:25
13th [9] - 35:14, 77:24, 78:13, 78:24, 79:8, 92:12, 156:14, 194:13, 247:19
14 [4] - 76:19, 211:17, 211:25, 225:24
15 [5] - 4:5, 12:25, 51:7, 155:10, 233:11
162 [1] - 2:15
16th [1] - 188:14
17 [2] - 188:9, 258:16
17-1 [7] - 39:17, 39:20, 48:21, 158:19, 162:24, 166:10, 170:12
17-2 [3] - 166:21, 190:14, 193:20
17-3 [3] - 39:18, 48:21, 158:20
17:20 [1] - 78:24
17:30 [1] - 78:8
18 [3] - 122:1, 122:8, 223:14
18-1 [2] - 39:24, 40:8
183036746 [1] - 175:18
188 [1] - 2:15
18th [5] - 156:15, 157:1, 157:4, 194:14, 250:22
19 [8] - 86:13, 124:6, 156:16, 157:5, 176:14, 176:16, 176:22, 176:25
19-1 [6] - 39:24, 42:17, 42:19, 42:23, 86:7, 86:14
195 [1] - 2:16
197 [1] - 2:9
198 [1] - 2:10
1997 [1] - 222:7
19th [1] - 263:15
1:00 [2] - 52:10, 144:3
1:19:21 [1] - 38:12
1:22:05 [1] - 40:6
1:23:57 [1] - 41:18
1:28:24 [1] - 45:12
1:30 [1] - 52:14
1:33:41 [1] - 49:2
1:34:02 [1] - 49:9
1:40 [3] - 64:19, 134:25, 216:22
1:40:00 [1] - 53:21
1:40:53 [1] - 137:15
1:41 [3] - 139:22, 140:16, 141:20
1:42 [2] - 140:18, 140:20
1:44:36 [1] - 57:6
1:46 [3] - 141:23, 142:8, 142:12
1:47 [1] - 143:7
1:47:12 [1] - 143:1
1:49:33 [1] - 60:25
1:53 [1] - 64:19
1:53:39 [1] - 64:11
1s [3] - 131:11, 132:19
1st [2] - 23:14, 119:23

2

2 [20] - 7:20, 23:5, 23:7, 23:18, 28:9, 39:20, 54:19, 54:21, 54:22, 58:2, 59:2, 67:9, 67:10, 68:24, 77:16, 77:20, 77:22, 78:4, 82:17, 136:21
2-1 [2] - 27:24, 28:1
20 [6] - 97:16, 153:11, 155:11, 157:13, 162:11, 233:4
20-1 [3] - 39:24, 44:8, 90:12
2000 [1] - 112:9
2002 [2] - 89:19, 89:20
2016 [2] - 89:6, 112:15
2020 [4] - 20:11, 20:17, 22:13, 250:17
2021 [5] - 24:20, 26:13, 158:25, 188:13, 221:20
2022 [28] - 9:15, 23:15, 23:24, 24:3, 29:20, 33:9, 34:11, 35:4, 35:5, 36:3, 36:6, 40:12, 44:10, 69:1, 78:14, 89:24, 119:23, 122:14, 134:3, 156:8, 156:16, 156:24, 157:5, 157:14, 188:14, 194:9, 261:3, 263:15
203 [1] - 2:17
209 [1] - 2:19
20th [1] - 36:3
21 [2] - 39:24, 154:11
21-1 [2] - 39:25, 156:23
21-2 [1] - 156:22
21-6 [1] - 39:25
21st [1] - 156:24
22 [7] - 112:10, 117:17, 117:19, 118:2, 118:11, 123:4, 127:22
22-1 [2] - 117:22, 117:23
22-12 [1] - 117:22
22-3 [1] - 123:5
22-311 [2] - 29:7, 68:3
220 [1] - 2:19
221 [1] - 2:21
228 [1] - 2:21
23 [8] - 117:17, 117:19, 118:5, 118:6, 134:21, 143:5, 168:9
23-1 [2] - 137:12, 137:22
23-2 [1] - 140:12
23-4 [1] - 147:25
232 [1] - 2:23
24 [24] - 13:23, 36:11, 231:9, 231:14, 251:2, 251:4, 251:7, 251:8, 252:13, 252:14, 252:17, 252:20, 253:11, 253:15, 253:19, 255:6, 256:13, 257:16, 257:22, 258:9, 259:18, 259:21, 261:12
245 [1] - 2:23
253 [1] - 2:24
255 [1] - 2:24
259 [1] - 2:25
27 [1] - 222:6
28 [3] - 34:11, 36:6, 156:8
28th [2] - 34:25, 221:20
29 [21] - 36:11, 231:17, 248:14, 251:2, 251:4, 251:8, 252:14, 252:17, 252:20, 253:12, 253:16, 253:19, 255:6, 257:19, 257:25, 258:9, 259:18, 259:21, 261:12
291 [1] - 1:2
2:00 [2] - 142:14, 229:11
2:03 [1] - 87:15
2:05:46 [1] - 74:6
2:06:37 [1] - 74:19
2:09:01 [1] - 77:3
2:09:42 [1] - 77:12
2:18:24 [1] - 83:9
2:18:44 [1] - 83:14
2:22:19 [1] - 87:8
2:30:41 [1] - 93:4
2:34:57 [1] - 97:4
2:37:41 [1] - 99:9
2:39:13 [1] - 100:22
2:41:26 [1] - 103:4
2AM [1] - 1:3
2s [1] - 132:20

3

3 [22] - 2:8, 13:9, 23:5, 23:7, 23:22, 39:20, 54:19, 54:21, 54:22, 54:23, 58:3, 58:4, 58:5, 58:7, 58:21, 58:24, 59:2, 77:16, 77:20, 132:25, 143:7
3-1 [6] - 68:2, 68:5, 68:6, 68:8, 69:2, 69:9
3-2 [7] - 68:2, 68:5, 68:6, 68:24, 69:2, 69:9, 180:4

3-3 [1] - 68:6
3/13 [1] - 44:9
3/5 [1] - 195:7
3/5/2022 [2] - 193:21, 194:22
30 [5] - 14:3, 169:7, 226:10, 254:16, 256:18
3000 [1] - 143:12
31 [15] - 161:11, 166:25, 170:21, 189:10, 190:2, 190:9, 190:20, 191:9, 191:10, 191:11, 191:16, 191:24, 192:16, 193:7, 197:17
310 [1] - 59:19
310.05 [1] - 59:21
310.05(m)(1 [1] - 10:20
310.06 [2] - 14:23, 54:16
310.06(b)(16) [1] - 15:13
310.06(b)(5 [1] - 15:6
310.06(b)(6 [1] - 55:1
310.06(b)(6)(a [1] - 15:9
310.06(b)(6)(c [2] - 56:2, 56:17
310.06(b)(7 [2] - 15:15, 57:15
310.06(b)(8 [1] - 15:19
32 [1] - 260:6
3242 [3] - 132:25, 133:7, 145:9
340A [1] - 55:16
35 [3] - 203:12, 204:5, 252:21
3:00 [1] - 229:11
3:32:18 [1] - 142:24
3:34:19 [1] - 142:24
3rd [1] - 215:2

4

4 [33] - 23:5, 23:7, 23:24, 23:25, 40:12, 49:6, 53:24, 54:2, 54:8, 58:20, 59:1, 59:3, 69:16, 70:3, 70:10, 74:21, 76:13, 76:17, 76:19, 122:14, 160:14, 160:15, 160:16, 161:24, 180:5, 180:21, 198:4, 199:6, 201:18, 213:24, 240:3, 255:23
4-1 [4] - 29:6, 29:7, 68:12, 69:10
4-2 [11] - 69:10, 69:14, 70:3, 70:9, 180:13, 180:21, 198:3, 199:6, 200:5, 255:13, 259:4
4-3 [1] - 22:20
409.08 [1] - 12:25
409.085 [1] - 12:18
4240 [1] - 133:23
48 [3] - 14:13, 198:15, 199:15
48-month [1] - 51:2
4:00 [1] - 234:1
4:13:26 [1] - 173:10
4th [1] - 71:5

5

5 [13] - 29:21, 31:6, 47:5, 59:8, 78:3, 134:3, 143:10, 143:11, 160:9, 178:2, 194:8, 255:20
5-1 [5] - 8:2, 8:9, 8:10, 29:17, 47:5
5-10 [2] - 8:2, 9:12
5-2 [3] - 9:11, 61:2, 82:7
5-3 [2] - 11:23, 12:6
5-4 [1] - 11:24
5-6 [4] - 47:7, 66:14, 78:17, 175:6
5-7 [4] - 49:6, 53:24, 55:4, 55:5
5-8 [1] - 197:10
5-9 [1] - 61:2
522 [1] - 131:21
53 [2] - 2:9, 137:17
55 [2] - 137:17, 227:12
5:00 [3] - 106:13, 106:14, 238:10
5:20 [2] - 78:25, 79:23
5:30 [5] - 44:10, 78:6, 78:7, 78:17, 106:14
5th [5] - 42:24, 73:22, 194:11, 215:4, 227:15

6

6 [10] - 14:14, 31:6, 55:10, 61:10, 61:11, 66:14, 78:3, 82:7, 158:25, 175:6
6-1 [3] - 18:3, 18:18, 18:20
651.238.9113 [1] - 1:24

7

7 [3] - 31:7, 53:24, 55:5
7-1 [2] - 18:23, 18:25
7-2 [3] - 18:24, 19:9, 19:10
7-Up [1] - 223:20
71-6020-38398 [1] - 1:6
75 [3] - 192:5, 192:16, 193:7

8

8 [14] - 19:15, 31:7, 33:9, 68:24, 138:10, 138:12, 139:22, 140:9, 140:10, 140:16, 140:18, 140:20, 141:21, 249:15
8-1 [2] - 19:15
857 [30] - 1:4, 6:25, 8:20, 75:2, 109:10, 109:14, 110:1, 110:11, 124:12, 154:15, 162:25, 164:8, 164:13, 170:16, 170:18, 188:15, 188:21, 204:7, 204:8, 204:16, 205:6, 207:5, 207:8, 209:17, 209:19, 210:6, 215:23, 217:11, 234:8, 254:13
88 [1] - 2:11
89 [3] - 193:19, 193:20, 195:2
8:00 [2] - 229:9, 233:25
8s [1] - 225:8

9

9 [5] - 29:20, 133:22, 166:22, 180:11, 229:12
9-1 [2] - 33:7, 36:14
911 [1] - 167:24
95 [1] - 2:12
98 [1] - 166:23
9th [1] - 9:15

A

a.m [9] - 7:20, 35:4, 134:25, 142:14, 156:14, 156:15, 216:22, 229:12, 233:25
abiding [2] - 115:4, 115:5
ability [8] - 6:21, 17:13, 117:6, 142:21, 154:4, 180:3, 253:21, 263:9
able [36] - 57:12, 63:6, 93:12, 93:16, 94:4, 96:16, 99:10, 100:12, 108:6, 125:5, 125:7, 125:13, 126:1, 126:17, 127:5, 131:9, 137:23, 137:25, 142:1, 142:4, 142:6, 150:8, 150:10, 150:11, 153:15, 174:18, 184:3, 193:13, 193:25, 210:1, 236:4, 237:22, 239:20, 250:23, 261:15, 261:17
above-entitled [1] - 2:6
above-referenced [1] - 2:3
absolutely [10] - 27:22, 162:16, 197:2, 226:2, 228:14, 234:6, 237:12, 238:8, 244:11, 260:14
accept [2] - 17:11, 95:24
access [20] - 33:18, 67:11, 81:3, 82:9, 82:10, 82:16, 82:22, 83:5, 90:18, 92:1, 93:15, 93:16, 94:14, 104:8, 104:25, 182:23, 225:6, 231:19, 231:21, 247:22
accident [6] - 41:5, 42:6, 71:8, 73:16, 122:22, 189:19
accordance [2] - 13:19, 256:9
according [1] - 78:16
account [3] - 63:24, 65:23, 66:3
accurate [7] - 13:25, 242:8, 243:1, 250:3, 250:6, 254:2, 256:15
accurately [1] - 68:25
act [2] - 26:22
Act [1] - 64:8
acting [3] - 64:1, 64:2, 257:14
action [75] - 5:7, 6:23, 9:22, 10:13, 11:1, 12:12, 13:7, 14:18, 14:24, 14:25, 15:7, 15:10, 15:15, 15:19, 17:20, 18:19, 18:22, 21:18, 24:1, 25:23, 26:8, 26:14, 28:13, 28:14, 29:10, 29:15, 31:14, 31:19, 39:11, 44:18, 48:3, 49:23, 54:11, 54:17, 57:8, 59:9, 60:18, 69:25, 81:10, 114:17, 116:20, 116:23, 117:2, 118:15, 119:3, 119:9, 119:15, 126:15, 126:18, 129:20, 150:15, 153:22, 154:7, 158:10, 160:22, 161:13, 161:23, 167:5, 167:8, 167:12, 176:21, 190:19, 193:17, 194:4, 196:13, 196:14, 197:25, 242:17, 243:22, 243:23, 244:7, 257:4, 257:7
Actions [1] - 197:12
actions [4] - 17:18, 54:6, 59:4, 126:24
activated [1] - 207:25
activities [6] - 15:16, 20:20, 22:5, 49:25, 208:2, 250:18
activity [9] - 6:14, 16:10, 16:16, 16:18, 16:25, 32:17, 45:7, 45:22, 56:22
actual [5] - 18:7, 19:6, 82:12, 90:22, 246:2
actually [27] - 10:7, 35:21, 60:16, 66:16, 67:6, 80:18, 94:11, 130:14, 142:15, 144:9, 146:4, 150:12, 160:12, 169:21, 169:23, 170:6, 170:7, 170:13, 173:21, 188:24, 191:14,

191:24, 193:8, 217:10, 217:13, 247:15, 255:4
ACUP [1] - 89:14
ad [1] - 183:8
add [3] - 50:6, 83:6, 168:15
added [7] - 14:15, 14:16, 14:17, 69:4, 70:1, 114:24, 114:25
addition [2] - 69:4, 241:7
additional [22] - 28:11, 28:18, 28:21, 28:22, 29:25, 37:11, 38:6, 64:15, 130:7, 130:9, 152:17, 195:18, 196:20, 198:21, 211:21, 236:9, 236:12, 243:10, 258:23, 261:13, 261:14, 261:25
address [19] - 4:17, 8:22, 9:2, 10:4, 17:25, 19:11, 102:13, 102:19, 102:24, 103:1, 108:21, 109:25, 159:8, 159:20, 164:8, 166:7, 188:18, 189:15, 197:21
addressing [2] - 37:18, 41:5
adequate [1] - 13:3
adjacent [1] - 227:1
adjust [2] - 17:14, 229:14
admin [1] - 112:18
administered [8] - 3:2, 4:6, 87:25, 111:15, 202:24, 208:24, 220:21, 232:5
ADMINISTRATIVE [118] - 1:10, 3:3, 3:9, 20:14, 26:1, 27:18, 30:5, 35:10, 39:13, 40:3, 46:22, 51:23, 52:21, 57:20, 69:7, 71:20, 76:22, 79:11, 80:8, 80:12, 81:4, 81:11, 86:16, 87:11, 87:14, 88:1, 88:8, 88:12, 90:9, 95:9, 96:6, 97:22, 98:23, 98:25, 100:23, 101:9, 103:24, 107:23, 108:10, 109:5, 109:21, 111:4, 111:7, 111:13, 111:19, 120:15, 121:1, 121:7, 121:11, 121:15, 121:19, 125:21, 126:5, 126:21, 129:5, 131:4, 131:12, 131:18, 132:1, 132:7, 132:10, 132:15, 132:23, 133:2, 133:5, 136:13, 150:19, 151:13, 151:25, 152:24, 153:5, 162:6, 173:4, 181:9, 186:23, 188:1, 188:8, 195:13, 196:19, 196:24, 198:20, 202:19, 202:25, 203:3, 203:6, 203:9, 203:13, 206:6, 208:14, 208:20, 208:25, 209:5, 209:22, 210:12, 210:15, 220:2, 220:17, 220:22, 221:2, 223:25, 228:21, 230:21, 232:2, 232:6, 232:12, 245:8, 247:5, 250:4, 251:25, 253:9, 254:7, 254:11, 254:18, 254:23, 258:20, 259:1, 261:24, 262:2
Administrative [4] - 2:2, 2:15, 2:24, 263:10
admission [2] - 59:6, 59:16
admitted [3] - 28:19, 101:11, 242:4
adults [1] - 84:11
adversary [5] - 54:6, 54:11, 164:12, 176:21, 187:13
adverse [64] - 5:7, 6:23, 9:22, 10:13, 11:1, 12:12, 13:7, 14:18, 14:24, 14:25, 15:6, 15:10, 15:15, 17:18, 18:19, 18:22, 21:18, 28:13, 29:10, 29:15, 31:14, 31:19, 39:11, 48:2, 49:22, 54:16, 57:8, 59:4, 59:8, 60:18, 81:10, 114:16, 116:20, 116:22, 117:2, 118:14, 119:3, 119:9, 119:15, 126:14, 126:17, 126:24, 129:20, 150:15, 153:21, 154:7, 158:10, 160:22, 161:12, 161:23, 167:5, 167:8, 167:11, 190:19, 193:16, 194:3, 197:25, 242:17, 243:22, 243:23, 244:7, 257:4, 257:7
advice [1] - 22:3
advised [6] - 86:3, 236:4, 242:23, 249:4, 251:10, 252:9
affect [1] - 218:9
affidavit [1] - 8:10
affirm [1] - 121:12
affixed [1] - 76:1
aforesaid [1] - 263:6
after [16] - 11:2, 21:5, 22:14, 22:25, 32:22, 44:18, 50:24, 52:20, 86:24, 91:14, 93:25, 112:3, 129:18, 243:25, 258:6, 258:8
afternoon [8] - 53:7, 53:8, 53:9, 88:20, 95:12, 95:13, 112:1, 112:2
again [32] - 6:20, 8:22, 36:15, 43:14, 50:8, 56:15, 56:24, 57:11, 61:12, 66:14, 76:18, 79:22, 82:7, 85:2, 85:25, 121:3, 124:7, 124:10, 128:4, 137:10, 139:5, 150:20, 156:2, 157:14, 166:8, 172:19, 173:7, 185:8, 193:10, 201:23, 244:7, 258:21
against [9] - 6:23, 11:1, 13:7, 31:14, 31:19, 48:3, 116:20, 160:6, 243:19
agencies [1] - 105:23
agg [1] - 195:8
aggravated [4] - 124:11, 128:1, 128:2, 193:22
aggregate [2] - 46:9, 46:11
aggregated [1] - 30:1
ago [2] - 65:18, 192:3
agree [11] - 28:11, 63:18, 70:15, 70:20, 75:9, 78:16, 79:5, 162:14, 178:3, 202:2, 202:5
agreement [8] - 24:10, 24:14, 24:18, 25:4, 25:16, 147:5, 243:9, 257:11
agreements [1] - 243:4
agrees [1] - 28:17
ahead [12] - 3:4, 52:10, 72:10, 87:18, 87:20, 106:23, 117:3, 120:18, 129:25, 180:20, 209:1, 232:7
aided [2] - 163:22, 169:11
aired [1] - 183:21
Airports [1] - 4:4
alarm [1] - 167:20
alarms [1] - 207:25
Albert [2] - 2:11, 88:5
ALBERT [2] - 88:6, 88:15
alcohol [57] - 6:8, 27:6, 46:4, 46:19, 47:9, 47:12, 47:23, 48:1, 48:6, 48:8, 48:13, 49:25, 50:20, 56:5, 56:23, 57:11, 61:21, 62:1, 62:8, 62:13, 62:25, 63:2, 64:16, 64:18, 66:15, 66:23, 67:4, 67:6, 113:20, 114:1, 114:7, 114:8, 114:19, 114:20, 114:23, 115:2, 122:23, 123:17, 130:10, 142:14, 150:12, 172:7, 172:22, 175:4, 175:9, 175:19, 176:1, 176:2, 197:21, 213:10, 223:3, 224:17, 228:2, 228:5, 228:10, 228:15
alcoholic [10] - 13:5, 14:21, 66:17, 138:5, 141:4, 148:23, 149:9, 151:9, 212:11, 212:17
Ale [1] - 223:20
alerted [1] - 236:18
all-inclusive [2] - 9:25, 19:19
allegation [8] - 77:7, 77:9, 171:19, 175:3, 213:21, 213:25, 240:2, 240:6
allegations [4] - 54:15, 77:8, 114:10, 243:19
alleged [8] - 10:4, 60:17, 64:17, 91:20, 92:6, 166:16, 213:7, 242:5
allegedly [3] - 79:7, 82:4, 97:19
alley [2] - 253:18, 258:2
allow [7] - 25:17, 57:22, 62:25, 81:21, 96:11, 113:15, 247:6
allowed [3] - 24:14, 148:16, 228:5
allowing [4] - 26:22, 55:21, 56:5, 56:23
allows [1] - 149:3
alluded [1] - 251:20
alone [2] - 176:2, 212:1
altercation [2] - 154:21, 184:2
altercations [2] - 50:2, 74:16
aluminum [1] - 171:6
ambiguity [1] - 202:14
amount [2] - 176:8, 225:4
analyze [1] - 5:23
analyzes [1] - 45:19
ancillary [1] - 7:22
AND [1] - 263:15
angle [5] - 143:15, 143:17, 145:11, 149:21, 257:22
angles [3] - 131:11, 133:12, 194:20
annoy [1] - 15:22
answer [19] - 4:17, 39:14, 58:5, 58:6, 59:12, 60:8, 96:12, 96:17, 108:11, 126:6, 126:7, 185:15, 191:1, 195:16, 200:19, 201:19, 206:11, 210:2, 215:21
answered [5] - 57:19, 96:4, 150:10, 244:12, 246:19
answers [1] - 172:12
anytime [1] - 181:21

apart [1] - 11:19
apartment [1] - 226:18
apologies [2] - 136:15, 235:4
apologize [6] - 144:3, 144:14, 150:9, 171:16, 180:25, 258:19
apparent [1] - 123:15
appear [1] - 134:2
appeared [1] - 140:5
applicable [1] - 10:22
applicant [3] - 15:10, 16:22, 25:18
applicants [1] - 16:13
application [3] - 16:4, 25:20, 110:8
applications [1] - 16:13
applied [2] - 16:6, 242:13
applies [4] - 77:15, 109:10, 110:11, 110:24
apply [2] - 58:1, 113:12
appreciate [7] - 85:17, 101:10, 107:22, 187:20, 217:19, 228:19, 245:5
approach [7] - 76:21, 80:7, 86:15, 90:8, 97:21, 133:7, 181:8
approached [1] - 91:24
approaching [1] - 58:22
appropriate [2] - 13:17, 31:4
appropriately [1] - 6:2
approval [4] - 13:18, 201:10, 244:1, 256:9
approved [3] - 13:19, 248:17, 256:10
approves [2] - 17:10, 201:13
April [8] - 24:20, 36:3, 157:13, 188:14, 232:25, 240:8, 242:13, 242:14
area [44] - 16:10, 46:1, 74:12, 92:8, 92:9, 93:11, 97:6, 97:8, 114:25, 115:2, 136:25, 148:14, 148:15, 149:8, 158:3, 175:20, 205:20, 205:21, 206:5, 207:4, 207:10, 207:11, 207:13, 208:2, 213:6, 213:9, 214:7, 217:12, 217:15, 217:23, 226:24, 230:5, 231:23, 236:4, 236:5, 236:20, 240:21, 249:7, 249:13, 258:1
Area [1] - 1:3
areas [17] - 89:8, 119:6, 205:17, 205:18, 205:23, 205:24, 206:16, 206:17, 206:19, 206:22, 207:1, 212:4, 226:22, 228:16, 235:12, 235:15, 253:25
argue [2] - 173:6, 200:16
argument [2] - 173:8, 181:22
argumentative [1] - 173:1
arguments [1] - 91:11
Armadi [1] - 225:22
arrest [2] - 123:14, 184:21
arrested [4] - 184:9, 184:15, 186:1, 191:12
arrival [1] - 91:6
arrive [3] - 92:4, 102:16, 102:19
arrived [5] - 65:25, 82:14, 93:8, 104:13, 176:24
arriving [1] - 102:3
aside [2] - 103:13, 206:16
aspect [1] - 164:11
aspects [1] - 236:11
assailant [5] - 184:9, 184:15, 185:6, 185:10, 186:1
assault [34] - 43:23, 44:11, 78:6, 78:22, 79:1, 79:7, 79:13, 79:20, 79:25, 80:17, 81:14, 82:2, 82:4, 86:20, 91:6, 91:12, 91:20, 91:21, 94:20, 94:21, 95:22, 95:24, 103:10, 105:4, 105:15, 108:7, 108:13, 124:11, 128:1, 128:2, 153:16, 193:22, 195:8, 247:21
assaulted [5] - 45:5, 91:8, 91:17, 92:7, 184:10
assaulting [1] - 184:16
assigned [10] - 32:8, 89:9, 89:11, 102:6, 112:10, 112:16, 112:20, 112:24, 113:3, 114:4
assignment [2] - 89:17, 116:3
assignments [1] - 112:11
assist [5] - 4:18, 93:19, 154:24, 160:5, 211:3
assistance [4] - 155:6, 155:13, 159:16, 183:20
assistant [1] - 112:18
Associate [1] - 24:22
associate [1] - 25:5
associated [11] - 23:19, 86:9, 90:2, 162:25, 163:12, 169:8, 170:22, 174:24, 175:17, 182:10, 195:7
Associates [3] - 8:23, 9:7, 24:23
association [2] - 225:23, 244:1
Association [1] - 9:5
assume [1] - 172:4
assumes [1] - 40:1
assuming [1] - 211:10
assumption [2] - 202:3, 226:6
attached [2] - 120:4, 159:20
attachments [3] - 10:12, 10:16, 117:14
attempt [3] - 130:12, 149:22, 150:7
attempted [2] - 185:6, 236:7
attempting [3] - 74:2, 261:10, 261:19
attempts [1] - 142:6
attention [16] - 21:22, 29:13, 29:14, 41:16, 48:18, 73:24, 84:24, 114:24, 135:23, 136:18, 148:10, 153:10, 154:10, 160:8, 198:3, 260:12
attorney [7] - 125:17, 126:1, 126:11, 126:25, 127:7, 167:8, 263:12
Attorney's [4] - 9:23, 19:14, 28:2, 114:16
attorney's [1] - 183:11
attorneys [2] - 71:24, 183:2
attract [1] - 16:10
attributable [4] - 189:14, 191:25, 192:8, 192:18
attribute [4] - 167:9, 167:14, 170:5, 193:25
attributed [1] - 186:14
audio [45] - 11:25, 16:2, 28:24, 35:12, 38:11, 39:5, 40:5, 41:17, 43:10, 44:5, 45:11, 49:1, 49:8, 53:20, 57:5, 60:24, 61:4, 64:10, 74:5, 74:18, 77:2, 77:11, 83:8, 83:13, 87:7, 93:3, 97:3, 99:8, 100:21, 103:3, 111:16, 119:2, 120:2, 124:22, 136:5, 142:23, 173:9, 218:1, 233:10, 237:2, 237:5, 239:24, 240:25, 248:6, 263:9
Audiotape [1] - 2:2
authority [17] - 17:13, 85:16, 179:19, 179:23, 179:25, 183:10, 183:11, 183:12, 198:25, 199:2, 199:11, 199:12, 200:1, 201:21, 246:17, 257:14
authorized [1] - 78:1
auto [1] - 6:17
availability [1] - 235:19
available [9] - 14:6, 14:10, 152:3, 178:24, 239:14, 251:3, 256:21, 256:25, 260:2
Avenue [14] - 1:5, 109:11, 109:14, 124:12, 143:18, 145:16, 148:17, 154:16, 188:15, 204:9, 204:10, 207:2, 209:19, 213:3
average [2] - 116:4, 233:22
avoided [1] - 187:23
aware [30] - 10:7, 10:9, 25:22, 26:8, 31:18, 31:22, 67:21, 83:20, 85:11, 85:12, 94:6, 94:10, 102:4, 103:12, 103:18, 146:8, 154:18, 155:16, 227:23, 228:3, 246:16, 246:22, 247:10, 247:14, 247:17, 249:3, 251:7, 252:11, 255:10, 257:3
awareness [1] - 236:17

B

b)(6 [1] - 55:11
background [2] - 3:18, 23:11
backwards [1] - 162:23
bad [3] - 34:13, 70:7, 218:5
bailiwick [1] - 260:22
bar [37] - 6:15, 24:15, 25:14, 25:19, 33:23, 36:13, 62:22, 74:10, 74:12, 74:25, 92:8, 96:19, 97:1, 97:8, 97:16, 133:16, 143:9, 178:18, 184:22, 184:23, 185:1, 185:6, 185:10, 186:14, 212:5, 212:11, 212:18, 214:13, 217:10, 217:14, 219:5, 219:23, 220:7, 220:10, 250:1
bar/restaurant [2] - 233:3, 249:7
bars [10] - 20:19, 141:11, 141:15, 151:18, 151:21, 151:22, 152:4, 152:7, 222:8, 223:7
bartender [7] - 47:16, 66:12, 66:19, 66:20, 139:16, 139:23, 140:17
bartending [1] - 233:6
baseball [1] - 135:20
based [29] - 5:9, 5:22, 12:17, 20:2, 20:8, 25:8, 26:16, 39:3, 43:25, 44:21, 49:23, 83:12, 83:18,

126:18, 128:13, 150:15, 151:7, 151:20, 152:4, 160:22, 179:9, 179:23, 183:9, 194:8, 208:17, 231:13, 239:20, 254:25, 260:2
basement [2] - 207:23, 207:24
bases [2] - 15:3, 129:20
basis [12] - 9:16, 12:9, 29:15, 30:2, 37:23, 49:18, 71:6, 80:23, 80:25, 161:22, 167:5
bathroom [11] - 92:9, 97:10, 97:11, 97:12, 98:3, 98:10, 98:11, 98:13, 101:25, 106:18, 107:1
bathrooms [7] - 101:20, 107:4, 230:2, 230:6, 230:7, 230:8
BE [1] - 263:3
bear [1] - 192:4
became [1] - 31:22
become [4] - 31:17, 41:7, 125:11, 251:7
becomes [1] - 237:20
beer [2] - 51:10, 65:16
beers [2] - 224:8, 224:14
BEFORE [1] - 1:11
beg [1] - 246:18
begin [1] - 41:15
beginning [5] - 22:25, 131:17, 232:25, 240:16, 243:21
behalf [1] - 31:14
behavior [5] - 146:2, 151:1, 151:2, 250:20
behind [3] - 101:7, 135:21, 155:16
belief [2] - 122:20, 253:19
believes [1] - 12:3
belong [1] - 247:15
beneficial [1] - 240:21
best [6] - 22:3, 100:2, 126:8, 154:3, 170:15, 263:8
better [4] - 72:6, 103:16, 135:8, 181:10
between [17] - 24:7, 24:11, 37:17, 43:22, 64:18, 74:14, 92:8, 93:6, 96:18, 97:14, 100:7, 110:1, 129:2, 198:2, 198:7, 237:4, 258:22
beverage [13] - 13:5, 66:17, 138:5, 140:5, 142:2, 142:5, 148:24, 149:2, 150:1, 151:9, 172:17, 223:18, 224:13
beverages [14] - 14:21, 141:13, 141:16, 149:10, 151:23, 152:8, 173:22, 212:11, 212:17, 213:2, 223:8, 223:12, 223:15, 224:3
beyond [1] - 226:13
bigger [1] - 99:25
Bill [2] - 9:10, 203:7
Billy [4] - 203:8, 203:10, 204:1
Billy's [183] - 1:4, 8:19, 8:25, 20:4, 20:24, 22:9, 24:2, 37:6, 41:14, 42:7, 42:16, 43:23, 44:11, 44:13, 51:4, 51:5, 71:10, 71:12, 72:24, 73:1, 73:9, 73:13, 73:17, 73:20, 73:24, 74:3, 74:4, 85:8, 86:2, 86:4, 86:9, 86:23, 87:4, 91:6, 92:7, 92:11, 96:22, 97:18, 98:13, 101:14, 101:15, 101:25, 102:7, 102:20, 103:13, 103:18, 109:13, 110:5, 110:7, 110:24, 110:25, 116:22, 116:23, 118:10, 120:9, 122:22, 122:23, 123:16, 123:18, 123:23, 128:6, 128:10, 136:21, 142:13, 143:16, 143:21, 145:15, 145:18, 154:23, 155:1, 155:4, 156:1, 157:14, 159:15, 159:17, 159:18, 160:1, 160:3, 164:15, 164:23, 165:3, 165:18, 166:6, 166:12, 167:10, 167:14, 169:9, 170:5, 170:22, 171:19, 173:11, 174:2, 185:11, 185:14, 185:19, 186:7, 187:1, 188:24, 189:4, 189:15, 189:21, 190:3, 190:21, 191:10, 191:18, 191:20, 191:25, 192:1, 192:8, 192:10, 192:14, 192:18, 192:19, 192:21, 192:23, 193:2, 193:7, 193:8, 193:13, 194:2, 194:9, 194:17, 195:5, 195:6, 199:19, 203:11, 204:2, 204:18, 204:19, 209:15, 209:16, 210:8, 210:9, 210:24, 211:2, 211:12, 211:19, 212:16, 213:2, 213:8, 213:21, 214:2, 214:5, 214:12, 215:5, 216:13, 216:25, 217:8, 220:7, 220:9, 221:14, 221:22, 223:11, 223:13, 224:16, 225:11, 227:1, 228:5, 228:6, 230:2, 230:3, 230:6, 230:8, 231:15, 231:23, 232:21, 232:22, 234:5, 234:11, 238:10, 239:7, 240:4, 243:18, 245:20, 246:11, 246:17, 248:23, 249:22, 250:2, 253:3, 254:15
birth [1] - 144:10
bit [15] - 3:24, 10:19, 11:19, 20:8, 32:4, 50:12, 88:24, 101:7, 112:5, 127:8, 140:7, 142:9, 176:6, 198:17, 219:7
Black [4] - 61:7, 61:14, 61:23, 62:5
black [4] - 61:8, 61:15, 61:16, 61:24
bleeding [3] - 65:13, 65:24, 66:1
blocking [1] - 142:21
blocks [1] - 226:19
blue [1] - 62:5
Blueberry [1] - 223:21
body [2] - 177:12, 177:14
bolded [1] - 12:2
bolster [2] - 17:23, 21:8
book [2] - 8:2, 117:18
borrow [2] - 243:15, 247:18
bottle [2] - 13:4, 141:15
bottled [1] - 51:9
bottom [4] - 61:13, 140:18, 143:4, 143:13
bought [2] - 246:6, 250:10
bouncer [1] - 62:20
brand [1] - 142:7
break [4] - 27:21, 30:5, 52:1, 52:23
Brewhouse [1] - 222:12
brick [1] - 25:1
bricks [1] - 18:11
briefly [5] - 109:7, 197:9, 198:22, 252:2, 258:25
bring [3] - 39:10, 52:15, 122:6
bringing [1] - 48:16
brings [1] - 29:15
brother [1] - 245:24
brought [5] - 21:22, 41:16, 48:2, 136:17, 146:17
brown [12] - 72:10, 95:9, 109:6, 162:6, 188:5, 196:22, 206:10, 209:5, 210:3, 221:2, 232:14, 258:20
BROWN [121] - 20:12, 25:24, 27:16, 30:4, 34:17, 34:19, 34:21, 39:12, 40:1, 46:21, 52:18, 53:6, 53:22, 57:7, 57:25, 61:1, 61:5, 64:12, 68:11, 69:11, 69:13, 72:11, 74:9, 74:20, 77:4, 77:13, 79:12, 80:7, 80:9, 81:24, 81:25, 83:10, 83:16, 86:19, 87:9, 89:20, 95:11, 96:14, 97:5, 97:21, 97:23, 98:22, 99:5, 99:12, 100:10, 101:13, 103:6, 104:2, 107:21, 108:8, 109:7, 109:9, 109:24, 111:3, 120:13, 120:25, 121:5, 121:9, 125:16, 126:3, 126:20, 128:25, 129:4, 136:12, 137:17, 138:24, 139:2, 139:6, 150:18, 151:10, 151:24, 152:21, 153:3, 162:9, 171:17, 173:2, 173:12, 180:18, 181:3, 181:7, 181:11, 186:21, 186:24, 187:20, 187:23, 196:23, 198:22, 198:24, 202:17, 203:20, 206:14, 208:5, 208:8, 208:11, 209:11, 210:4, 210:18, 216:10, 218:2, 219:25, 220:19, 221:8, 224:2, 228:18, 232:4, 232:19, 233:12, 237:9, 238:17, 238:18, 240:1, 241:2, 245:5, 246:19, 247:3, 252:2, 252:4, 253:7, 258:25, 259:3, 261:22
Brown [15] - 2:9, 2:10, 2:12, 2:13, 2:15, 2:17, 2:19, 2:21, 2:23, 2:25, 52:17, 100:7, 129:2, 203:15, 254:24
brunches [1] - 229:11
buffering [41] - 11:25, 16:2, 28:24, 35:12, 38:11, 39:5, 40:5, 41:17, 44:5, 45:11, 49:1, 53:20, 57:5, 60:24, 61:4, 64:10, 74:5, 74:18, 77:2, 77:11, 83:8, 83:13, 87:7, 93:3, 97:3, 99:8, 100:21, 103:3, 111:16, 119:2, 120:2, 124:22, 136:5, 142:23, 218:1, 233:10, 237:2, 237:5, 239:24, 240:25, 248:6

buffering/stuck [3] - 43:11, 49:9, 173:10
build [1] - 226:11
building [23] - 52:6, 52:12, 66:22, 67:3, 110:14, 110:19, 204:7, 204:11, 205:7, 210:7, 212:22, 213:16, 214:20, 216:1, 216:2, 216:12, 216:20, 216:21, 217:6, 218:13, 226:19, 228:7, 237:19
built [1] - 218:24
built-in [1] - 218:24
Bull [6] - 172:9, 223:17, 223:20, 223:21
bunch [1] - 138:15
burden [1] - 174:25
Burgers [1] - 222:11
Bus [1] - 222:11
busiest [3] - 211:10, 211:11, 211:14
business [56] - 4:13, 4:19, 5:10, 5:14, 6:14, 6:19, 8:15, 12:23, 12:24, 15:12, 15:20, 15:21, 19:5, 19:12, 19:23, 32:25, 42:1, 59:23, 60:14, 65:3, 67:20, 110:13, 114:22, 119:9, 124:1, 128:3, 153:24, 156:10, 160:6, 161:16, 170:18, 193:3, 204:4, 205:1, 205:4, 206:21, 222:6, 224:11, 229:13, 229:17, 229:24, 233:3, 233:4, 235:11, 235:13, 236:10, 240:8, 242:12, 243:20, 245:19, 245:23, 246:6, 246:7, 247:2, 250:11
businesses [21] - 4:14, 4:16, 5:6, 6:7, 22:6, 101:17, 109:18, 110:2, 110:16, 113:7, 113:14, 115:5, 149:7, 164:20, 177:21, 188:21, 189:16, 196:11, 204:15, 204:21
butcher [1] - 187:24
buy [4] - 25:14, 246:13, 250:1
buyer [1] - 247:14
BY [122] - 3:15, 12:1, 18:2, 26:3, 27:23, 28:25, 30:10, 31:11, 34:22, 35:13, 38:13, 39:6, 39:16, 40:7, 41:19, 43:12, 44:6, 45:13, 47:3, 49:3, 49:12, 51:17, 53:6, 53:22, 57:7, 57:25, 61:1, 61:5, 64:12, 68:11, 69:13, 72:11, 74:9, 74:20, 77:4, 77:13, 79:12, 81:25, 83:10, 83:16, 86:19, 88:19, 89:25, 90:11, 93:5, 95:2, 95:11, 96:14, 97:5, 97:23, 99:5, 99:12, 100:10, 101:13, 103:6, 104:2, 108:2, 108:14, 109:9, 109:24, 111:25, 119:12, 120:3, 121:21, 124:24, 125:19, 125:25, 126:12, 126:23, 128:12, 129:6, 133:9, 133:25, 136:6, 136:16, 137:20, 139:7, 142:25, 143:14, 145:10, 150:21, 151:14, 152:1, 153:8, 162:9, 171:17, 173:12, 180:18, 181:3, 181:11, 186:24, 188:8, 195:24, 198:24, 203:20, 206:14, 209:11, 210:4, 210:18, 216:10, 218:2, 220:5, 221:8, 224:2, 228:25, 230:24, 232:19, 233:12, 237:9, 238:18, 240:1, 241:2, 245:12, 246:21, 247:9, 248:8, 250:7, 252:4, 253:9, 254:11, 255:2, 259:3

C

CAD [4] - 163:22, 163:24, 169:10, 169:18
cafeteria [1] - 52:6
camera [46] - 13:11, 13:21, 32:1, 36:9, 37:7, 37:9, 37:18, 38:19, 50:3, 91:24, 93:16, 132:19, 132:20, 143:17, 145:12, 145:14, 145:21, 146:9, 146:18, 146:25, 147:1, 147:2, 147:3, 147:12, 147:18, 149:21, 177:12, 177:15, 201:14, 231:9, 236:7, 236:12, 248:4, 251:6, 253:3, 253:16, 256:3, 256:11, 259:5, 260:4, 260:5, 260:17, 260:18, 260:25, 261:1, 261:9
Camera [8] - 36:11, 131:11, 252:17, 257:16, 257:19, 257:22, 257:25
Cameras [6] - 251:8, 252:14, 253:11, 255:6, 259:21, 261:12
cameras [76] - 36:10, 38:4, 38:5, 38:25, 49:19, 67:11, 67:14, 67:20, 67:24, 69:17, 70:17, 74:22, 75:6, 75:25, 76:3, 76:5, 76:8, 76:14, 77:9, 77:19, 77:25, 82:9, 82:11, 82:16, 82:22, 93:10, 93:12, 93:14, 94:13, 103:23, 107:4, 107:5, 108:4, 133:12, 136:20, 136:21, 143:20, 145:18, 145:22, 146:14, 176:4, 177:21, 177:23, 178:6, 187:15, 199:1, 199:20, 201:22, 207:12, 208:1, 231:10, 234:15, 235:19, 235:20, 235:23, 236:3, 236:9, 239:13, 247:22, 251:16, 252:13, 253:5, 253:17, 253:25, 258:6, 259:18, 260:6, 260:13, 260:15, 260:21, 261:6, 261:10, 261:12, 261:14
cameras' [1] - 194:20
canned [7] - 140:5, 141:13, 141:16, 150:1, 152:11
cannot [3] - 81:22, 90:22, 141:6
cans [15] - 47:20, 67:7, 148:14, 148:20, 148:21, 151:23, 173:16, 213:1, 213:8, 213:12, 213:14, 223:8, 223:12, 223:15, 224:8
cap [1] - 135:21
capable [1] - 161:15
capacity [2] - 125:18, 215:7
capture [4] - 58:13, 146:4, 188:20, 208:2
captured [2] - 107:7, 139:20
captures [1] - 200:5
care [4] - 214:9, 214:18, 214:21, 216:8
carrying [1] - 62:1
cars [3] - 6:17, 155:11
case [35] - 18:9, 30:25, 34:6, 37:5, 37:12, 39:23, 44:24, 50:11, 60:5, 62:19, 67:17, 72:3, 75:8, 78:6, 90:1, 114:11, 116:6, 117:15, 120:20, 127:12, 127:15, 127:19, 162:3, 163:11, 163:12, 174:18, 179:9, 180:2, 182:9, 182:14, 182:17, 184:11, 191:15, 198:16, 200:3
cases [4] - 14:11, 114:6, 182:15, 199:13
cash [1] - 247:11
catch [2] - 54:1, 54:9
catch-all [2] - 54:1, 54:9
categorized [1] - 95:22
category [1] - 57:3
caused [3] - 73:22, 73:23, 95:17
causing [1] - 146:1
caution [1] - 71:21
cautious [2] - 218:21
CCTV [1] - 93:9
center [1] - 240:15
certain [10] - 124:17, 124:18, 124:20, 128:9, 174:23, 176:1, 193:18, 205:14, 224:8, 249:9
certainly [4] - 22:3, 22:6, 26:2, 214:15
certainty [2] - 141:7, 172:24
CERTIFICATE [1] - 263:1
certify [1] - 263:6
cetera [3] - 49:16, 146:14, 193:23
chance [6] - 36:24, 52:3, 90:1, 117:13, 188:6, 200:19
change [4] - 66:9, 218:18, 218:20, 237:18
changed [4] - 147:7, 147:21, 218:25, 240:17
Channel [26] - 132:25, 133:7, 133:22, 136:23, 138:10, 138:12, 139:22, 140:9, 140:10, 140:16, 140:18, 140:20, 141:21, 143:7, 143:10, 143:11, 145:7, 145:8, 145:14, 149:16, 149:18, 152:20, 231:13, 231:14, 231:17, 248:14
channel [4] - 148:6, 215:14, 215:16, 215:17
Channels [1] - 231:9
channels [1] - 153:1
characterization [1] - 213:23
characterize [3] - 39:7, 53:25, 165:13
characterized [1] - 95:21
charge [2] - 18:10, 75:13
charges [1] - 127:12
charging [1] - 127:15
Charles [3] - 2:14, 221:11, 221:12
CHARLES [2] - 111:21, 221:4
check [3] - 149:17,

162:24, 187:7
checking [1] - 168:23
chief [1] - 112:19
chief's [1] - 112:18
children [1] - 84:10
choice [1] - 10:9
choose [3] - 59:23, 60:15, 132:11
chose [1] - 244:7
chuck [1] - 220:25
Chuck [5] - 2:20, 21:13, 31:24, 221:9, 221:11
CHUCK [1] - 220:25
circle [1] - 258:21
circling [2] - 134:7, 135:7
cited [2] - 20:10, 65:19
citizen [4] - 95:20, 115:8, 116:10, 116:12
citizens [2] - 119:6, 159:16
City [33] - 3:8, 3:20, 3:22, 3:23, 4:3, 4:8, 4:20, 9:6, 9:23, 17:20, 19:14, 28:2, 68:3, 89:2, 91:4, 112:8, 113:18, 114:15, 116:1, 125:6, 208:9, 222:12, 240:7, 240:18, 243:5, 244:3, 247:15, 248:10, 248:15, 249:8, 249:11, 249:12, 249:19
city [26] - 16:9, 16:20, 17:9, 20:21, 29:7, 45:15, 59:7, 59:17, 63:21, 67:14, 68:14, 68:17, 69:4, 75:10, 89:8, 89:16, 115:20, 125:17, 126:1, 126:10, 126:25, 127:6, 160:24, 167:7, 183:2
civil [1] - 126:10
claim [2] - 72:24, 248:4
claims [1] - 162:20
clarification [4] - 69:8, 188:2, 217:19, 220:6
clarify [3] - 35:11, 195:22, 229:3
clarifying [1] - 253:10
clarity [3] - 25:25, 100:24, 188:9
Class [2] - 16:7, 16:11
classify [1] - 190:3
clean [2] - 76:23, 241:19
cleaning [2] - 207:20, 254:14
clear [7] - 35:18, 36:17, 60:9, 81:13, 106:16, 124:7, 246:13
cleared [1] - 123:8
clearer [2] - 35:25, 108:12
clearly [2] - 142:4, 261:4
client [2] - 72:5, 91:12
clock [1] - 163:4
close [9] - 135:13, 138:14, 142:11, 144:13, 229:14, 229:17, 229:19, 229:24, 249:23
closed [4] - 20:19, 20:20, 52:6, 125:9
closely [1] - 5:17
closer [1] - 142:10
closing [4] - 135:13, 142:11, 143:9, 173:7
Closing [1] - 1:3
clothing [1] - 205:5
CN [1] - 163:10
Coconut [1] - 223:21
code [22] - 4:23, 10:18, 10:19, 11:10, 12:4, 12:15, 17:6, 29:23, 30:11, 30:13, 30:15, 30:17, 46:5, 46:7, 46:10, 59:7, 59:17, 84:15, 102:21, 112:25, 113:11, 198:1
Code [2] - 12:8, 154:16
coded [1] - 163:24
codified [1] - 24:1
coextensive [1] - 235:9
coincide [1] - 157:2
coincides [1] - 151:1
colleague [1] - 247:18
collected [1] - 129:14
column [5] - 163:4, 163:15, 163:17, 163:20, 164:4
combination [1] - 211:18
coming [8] - 52:9, 115:14, 115:17, 119:5, 144:25, 193:5, 240:14, 244:4
Commander [3] - 154:17, 177:16, 186:18
comments [7] - 16:17, 16:18, 102:15, 102:25, 169:10, 169:14, 169:19
Commission [1] - 4:4
commission [1] - 263:24
commissioned [1] - 263:4
commit [1] - 231:10
commits [1] - 45:6
committed [1] - 60:17
common [26] - 62:20, 205:17, 205:18, 205:20, 205:21, 205:23, 206:5, 206:16, 206:17, 206:19, 206:21, 206:25, 207:4, 207:10, 207:11, 207:13, 208:2, 214:7, 228:16, 230:5, 231:23, 235:12, 235:15, 236:5, 253:25
commonly [2] - 13:24, 256:14
communicate [1] - 215:9
communicated [2] - 102:11, 217:2
communication [3] - 215:11, 215:13, 226:12
community [6] - 89:5, 89:14, 150:24, 159:25, 196:10, 197:19
company [2] - 259:16, 260:20
comparable [1] - 261:20
compelled [2] - 103:7, 110:19
complain [3] - 86:1, 165:25, 169:13
complainant [1] - 182:11
complained [2] - 169:25, 191:19
complaint [15] - 5:9, 5:12, 5:13, 5:22, 6:3, 42:12, 83:12, 83:18, 165:14, 170:3, 182:10, 191:12, 196:15, 226:16
complaint-based [4] - 5:9, 5:22, 83:12, 83:18
complaints [20] - 4:17, 5:11, 5:19, 6:6, 6:11, 6:13, 22:16, 22:17, 22:18, 40:16, 43:6, 86:21, 87:2, 115:8, 116:11, 116:13, 119:4, 119:5, 151:3, 191:3
complete [7] - 35:23, 38:22, 90:13, 126:11, 126:14, 158:17, 239:19
completed [1] - 129:18
compliance [1] - 4:16
complicated [1] - 126:7
complied [1] - 194:10
comply [3] - 15:7, 54:17, 56:21
compound [2] - 27:16, 30:4
computer [3] - 137:25, 163:22, 169:11
computer-aided [2] - 163:22, 169:11
concern [8] - 20:22, 52:22, 123:18, 150:23, 197:19, 212:6, 226:20, 246:24
concerning [3] - 148:15, 244:10, 244:14
concerns [4] - 6:21, 16:23, 16:24, 50:4
conclusions [1] - 43:13
condition [21] - 13:8, 14:16, 15:8, 19:17, 26:17, 28:12, 44:24, 45:14, 45:20, 45:24, 54:18, 67:18, 94:12, 158:12, 160:11, 184:7, 199:3, 199:22, 257:2, 257:3
Condition [6] - 13:9, 14:14, 160:14, 198:4, 255:20, 255:23
conditions [38] - 12:4, 12:7, 12:16, 15:22, 15:24, 17:3, 17:4, 17:12, 17:17, 17:22, 17:23, 23:16, 23:22, 26:11, 28:18, 28:21, 28:22, 29:5, 67:22, 67:23, 68:7, 68:21, 68:23, 68:25, 69:2, 69:3, 69:4, 69:20, 69:24, 94:18, 103:12, 119:22, 200:4, 200:6, 243:10, 255:11, 255:13, 257:9
conduct [5] - 4:15, 12:22, 26:21, 56:20, 149:19
conducted [2] - 21:9, 114:9
conducting [1] - 196:9
confirm [1] - 58:16
confirmed [1] - 80:19
confused [5] - 166:14, 196:2, 229:7, 254:22, 258:19
confusing [4] - 34:5, 82:12, 82:15, 196:4
conjunction [1] - 46:15
connected [3] - 20:25, 22:9, 104:23
connection [10] - 41:13, 42:5, 43:22, 43:25, 73:13, 73:19, 73:24, 86:11, 191:19, 191:21
consider [3] - 5:19, 107:15, 244:22
consideration [1] - 127:2
considered [8] - 29:25, 50:10, 106:19, 106:25, 107:14, 108:25, 197:19, 246:10
constantly [2] - 224:23, 225:7
constituted [1] - 223:11
constitutes [4] - 58:14, 205:19, 227:24, 228:1
consume [2] - 149:2, 186:5
consumed [2] - 122:23, 123:17
consuming [1] - 140:21
consumption [2] - 141:2, 152:3
contact [4] - 7:12, 116:16, 246:1, 260:20
contacted [1] - 259:16
contained [4] - 41:11, 49:13, 123:3, 258:16
container [2] - 63:1, 174:15
containers [3] - 27:6,

47:18, 67:7
containing [1] - 13:5
contains [1] - 255:13
context [2] - 168:15, 171:18
continue [1] - 51:14
continued [1] - 197:5
continues [1] - 135:23
contributing [1] - 146:2
control [4] - 193:9, 226:23, 231:19, 253:21
controlled [3] - 48:8, 48:9, 237:6
conversation [7] - 71:22, 72:4, 72:8, 80:16, 212:9, 244:5, 252:13
conversations [4] - 29:4, 53:11, 72:2, 85:19
cooperate [1] - 70:25
cooperated [1] - 123:23
cooperative [4] - 53:15, 93:17, 130:21, 187:1
copied [3] - 33:16, 130:19, 156:1
copies [2] - 90:8, 253:2
cops [2] - 186:11
copy [28] - 14:7, 14:11, 14:12, 33:13, 34:13, 35:18, 35:23, 40:20, 42:21, 44:13, 70:7, 76:23, 93:24, 94:2, 107:2, 117:7, 122:6, 124:8, 153:14, 159:4, 181:1, 181:4, 199:14, 239:16, 247:25, 256:22, 256:25, 263:7
corner [1] - 137:13
corporation [1] - 7:6
correct [225] - 9:23, 10:20, 11:4, 11:5, 12:13, 16:1, 18:12, 19:21, 24:23, 24:24, 25:6, 25:7, 29:23, 32:13, 32:14, 35:14, 35:15, 36:22, 36:24, 37:1, 41:21, 41:22, 50:17, 51:12, 54:3, 54:4, 54:20, 54:21, 55:12, 55:23, 60:3, 60:22, 61:19, 62:14, 62:15, 62:17, 63:23, 64:2, 67:8, 67:11, 68:1, 68:18, 69:11, 69:19, 72:13, 72:14, 72:15, 72:17, 72:25, 73:21, 75:4, 75:20, 75:21, 81:8, 83:12, 86:23, 88:9, 88:10, 88:22, 91:15, 91:19, 93:20, 93:22, 96:20, 97:8, 99:19, 100:4, 100:12, 100:16, 101:5, 101:15, 101:16, 101:19, 101:21, 102:17, 102:18, 104:11, 104:12, 104:15, 106:5, 106:7, 106:8, 106:17, 109:11, 109:17, 110:11, 110:12, 110:15, 110:17, 111:2, 119:24, 119:25, 120:7, 123:6, 125:14, 125:15, 127:3, 127:4, 130:25, 131:1, 133:13, 133:14, 134:16, 134:19, 135:3, 135:14, 138:6, 138:8, 140:1, 140:10, 140:11, 143:25, 144:22, 144:23, 145:8, 147:10, 147:11, 147:22, 149:16, 150:16, 150:17, 155:2, 161:20, 161:21, 161:25, 162:22, 163:4, 163:13, 163:14, 163:15, 164:6, 164:7, 164:9, 164:10, 165:20, 165:22, 165:24, 166:2, 166:4, 166:24, 167:10, 168:13, 169:24, 170:13, 170:14, 170:23, 173:15, 173:19, 173:20, 174:12, 174:13, 174:17, 174:21, 175:4, 176:14, 179:4, 183:13, 185:16, 185:17, 185:18, 185:21, 185:22, 185:24, 185:25, 187:13, 187:16, 189:18, 190:5, 190:10, 192:11, 193:23, 194:15, 194:19, 194:25, 195:12, 198:18, 201:3, 201:4, 201:6, 201:13, 201:14, 202:3, 202:6, 202:7, 202:9, 203:1, 204:24, 205:7, 205:12, 208:3, 217:24, 222:21, 222:22, 222:25, 223:1, 223:3, 223:4, 224:4, 224:10, 230:11, 231:5, 233:14, 233:18, 238:14, 242:25, 243:2, 243:14, 244:15, 248:1, 248:17, 250:24, 251:21, 253:22, 255:11, 255:14, 255:17, 255:19, 257:12, 258:10, 258:11, 258:14, 258:16, 259:24, 260:24, 263:7
correctly [3] - 61:10, 92:10, 191:2
correspondence [2] - 37:25, 115:18
corresponding [1] - 163:13
council [8] - 9:5, 17:9, 17:10, 23:25, 29:7, 68:15, 69:4, 69:5
council's [1] - 68:17
Counsel [2] - 152:16, 238:16
counsel [1] - 72:3
count [7] - 65:12, 65:15, 65:17, 160:6, 163:4, 163:13, 196:5
counter [1] - 28:1
COUNTY [1] - 263:2
County [20] - 2:5, 18:6, 18:13, 18:15, 21:7, 104:17, 104:24, 105:3, 105:10, 105:14, 154:22, 154:25, 155:20, 176:5, 183:16, 184:11, 186:10, 241:9, 248:24, 263:24
county [1] - 263:5
couple [11] - 19:12, 46:3, 50:9, 65:18, 93:10, 112:3, 137:7, 148:21, 226:19, 234:2, 259:22
course [6] - 32:24, 42:1, 113:17, 124:19, 154:6, 156:21
Court [16] - 52:19, 56:18, 166:11, 205:19, 211:15, 212:16, 213:8, 215:25, 223:16, 224:18, 233:2, 233:22, 234:18, 243:17, 252:5
cover [4] - 117:24, 122:10, 124:10, 153:15
coverall [1] - 118:13
covered [3] - 195:22, 219:19, 236:11
covers [2] - 145:15, 253:17
COVID [4] - 5:3, 20:18, 240:15, 245:22
crash [1] - 124:2
crawled [2] - 65:14, 66:1
create [4] - 13:10, 57:21, 90:4, 256:2
created [6] - 4:7, 15:16, 57:9, 57:16, 90:25
crime [13] - 94:23, 95:22, 105:24, 108:25, 154:4, 171:1, 171:4, 171:22, 178:16, 180:2, 182:11
criminal [5] - 22:5, 45:6, 127:9, 127:10, 127:12
criteria [5] - 95:14, 95:19, 166:20, 182:21, 183:13
critical [1] - 249:6
Cross [6] - 2:9, 2:12, 2:15, 2:19, 2:21, 2:23
cross [12] - 24:7, 52:16, 52:19, 100:7, 129:2, 162:7, 196:20, 198:21, 208:16, 220:3, 228:22, 245:9
CROSS [6] - 53:5, 95:10, 162:8, 220:4, 228:24, 245:11
Cross-Examination [6] - 2:9, 2:12, 2:15, 2:19, 2:21, 2:23
cross-examination [3] - 52:16, 220:3, 228:22
CROSS-EXAMINATION [6] - 53:5, 95:10, 162:8, 220:4, 228:24, 245:11
cross-talk [3] - 24:7, 100:7, 129:2
crux [1] - 84:7
culpability [1] - 6:12
cup [17] - 61:9, 61:17, 61:21, 61:25, 62:2, 62:7, 62:9, 62:22, 63:5, 63:8, 63:9, 141:16, 150:5, 152:13, 174:8, 175:10, 213:10
cups [11] - 67:7, 150:3, 151:4, 174:6, 174:10, 174:12, 174:20, 175:7, 213:7, 238:2
curious [2] - 105:3, 105:7
current [1] - 31:8
cursor [3] - 134:5, 134:12, 135:7
customer [10] - 61:7, 61:14, 61:23, 62:5, 63:4, 66:21, 139:24, 140:16, 140:20, 143:8
customers [2] - 205:22, 214:5
cut [2] - 106:22, 172:15

D

d/b/a [1] - 1:4
daily [1] - 33:5
damage [1] - 189:19
danger [4] - 15:17, 57:17, 57:21, 63:13
dangers [1] - 57:9
data [5] - 118:18, 124:17, 124:18, 127:2, 127:13
date [20] - 13:25, 14:1, 38:25, 46:16, 79:24, 79:25, 80:2, 122:13, 122:14, 132:4, 134:3, 144:10, 152:18, 156:25, 157:3, 159:1, 163:15, 249:2, 256:16
dated [5] - 29:20, 34:11, 134:3, 156:8, 157:13

dates [4] - 1:11, 38:22, 157:15, 157:16
days [9] - 14:3, 135:6, 137:7, 227:10, 233:23, 233:24, 256:18, 259:22
deal [6] - 59:24, 60:2, 102:16, 102:20, 185:21, 219:16
dealing [4] - 40:13, 112:13, 148:22, 219:21
dealings [1] - 247:8
deals [1] - 67:10
dealt [2] - 185:23, 218:22
decide [1] - 64:4
decided [2] - 48:23, 49:22
deciding [1] - 182:21
decipher [1] - 124:6
decision [7] - 11:21, 21:17, 21:19, 48:23, 49:15, 60:4, 66:9
decision-making [2] - 21:19, 48:23
deem [2] - 160:2, 183:4
deemed [13] - 14:4, 27:13, 29:24, 41:11, 115:23, 124:17, 167:6, 182:13, 190:22, 190:23, 191:13, 244:6, 256:19
define [1] - 96:2
defines [2] - 69:16, 70:20
definition [2] - 96:5, 183:14
delivered [3] - 118:9, 120:11, 156:10
delivery [1] - 221:24
demanded [1] - 78:18
demanding [1] - 247:11
demonstrated [1] - 227:4
denies [1] - 17:11
DENIG [1] - 1:11
deny [1] - 214:25
Department [49] - 5:16, 10:25, 11:13, 12:3, 12:14, 12:16, 13:15, 13:16, 19:1, 19:13, 25:22, 26:8, 26:14, 31:15, 31:17, 32:5, 32:7, 39:21, 40:11, 43:7, 45:19, 76:11, 76:25, 77:1, 86:22, 88:21, 104:24, 112:20, 112:23, 114:4, 114:14, 115:7, 116:16, 118:8, 118:9, 120:10, 158:23, 160:4, 198:12, 199:9, 200:14, 200:15, 201:2, 201:7, 201:12, 238:19, 251:19, 256:7, 256:8
department [11] - 6:2, 9:20, 40:15, 57:22, 85:3, 88:25, 116:15, 129:15, 159:12, 179:25, 216:6
department's [1] - 216:3
Department's [2] - 179:13, 259:23
departments [1] - 222:16
departure [3] - 30:3, 30:21, 30:24
depicted [3] - 26:7, 98:4, 99:15
depicts [1] - 134:23
depth [1] - 159:5
deputies [2] - 21:7, 154:22
deputy [4] - 112:19, 184:16, 216:3, 227:18
describe [4] - 30:12, 33:3, 33:5, 152:2
described [4] - 15:14, 47:14, 54:9, 65:22
describing [1] - 206:24
deserve [1] - 103:16
detail [1] - 239:2
details [3] - 116:9, 124:20, 161:11
determination [4] - 21:25, 49:20, 114:10, 154:3
determine [9] - 18:20, 67:23, 71:7, 129:19, 166:8, 182:23, 183:7, 189:6, 189:11
determined [1] - 241:11
determining [1] - 149:25
develop [1] - 226:12
deviate [1] - 11:14
devices [1] - 72:1
Diet [1] - 223:19
differ [1] - 246:18
difference [1] - 198:2
different [31] - 5:5, 5:6, 12:3, 24:21, 25:10, 84:8, 89:8, 89:9, 93:16, 96:1, 96:9, 99:21, 110:6, 113:7, 119:6, 127:8, 133:12, 159:13, 159:19, 179:6, 182:3, 184:13, 205:22, 212:4, 224:14, 225:24, 225:25, 233:5, 235:7, 253:16, 258:5
differentiate [1] - 110:1
differently [1] - 168:6
difficult [3] - 20:13, 71:23, 150:5
difficulty [1] - 132:18
digit [1] - 241:4
Direct [7] - 2:8, 2:11, 2:14, 2:17, 2:19, 2:21, 2:23
direct [4] - 41:12, 86:11, 226:23, 258:23
DIRECT [7] - 3:14, 88:18, 111:24, 203:19, 209:10, 221:7, 232:18
directed [3] - 42:9, 148:11, 199:4
direction [2] - 101:4, 145:17
directly [7] - 90:20, 90:21, 112:19, 113:13, 116:15, 211:19, 226:16
director [1] - 9:4
disagree [2] - 78:15, 79:6
discard [1] - 17:12
discarded [1] - 62:23
discovered [1] - 44:3
discuss [2] - 21:3, 116:19
discussed [2] - 29:18, 248:20
Discussion [9] - 53:4, 68:10, 87:13, 88:4, 111:6, 197:3, 202:23, 208:23, 220:20
discussion [2] - 31:10, 102:3
disorderly [1] - 151:1
dispatch [2] - 163:23, 169:11
dispatcher [2] - 163:24, 164:1
displaced [1] - 240:22
display [1] - 258:1
displayed [2] - 100:15, 100:18
disposal [1] - 149:9
disposition [1] - 163:17
disproven [1] - 195:5
dispute [1] - 242:22
distance [1] - 16:15
distilled [1] - 51:9
distinction [3] - 127:5, 147:8, 198:7
distracted [4] - 64:13, 65:7, 65:10, 65:13
distributed [1] - 48:11
district [2] - 9:5, 115:20
District [2] - 89:12, 112:16
disturbance [4] - 108:24, 169:7, 169:19, 169:20
disturbing [1] - 71:19
Division [1] - 5:17
division [3] - 6:2, 126:10, 200:2
doctor [1] - 63:17
Document [1] - 23:13
document [16] - 9:19, 80:18, 80:20, 81:1, 81:2, 81:6, 81:9, 101:2, 122:24, 127:20, 138:2, 158:16, 159:2, 159:10, 163:3, 190:8
documented [1] - 118:22
documents [5] - 22:21, 23:6, 23:10, 38:18, 39:20
dodged [1] - 187:5
dollar [4] - 8:7, 11:8, 12:9, 50:14
dollars [1] - 50:17
domestics [1] - 168:4
done [10] - 20:9, 37:1, 56:19, 58:16, 60:18, 89:10, 105:22, 168:25, 182:2, 209:23
door [17] - 64:6, 98:11, 98:12, 98:14, 98:15, 100:14, 100:18, 101:8, 144:1, 144:5, 173:13, 199:17, 207:22, 212:4, 213:11, 234:23
doors [1] - 101:6
double [3] - 168:23, 234:23, 241:4
double-checking [1] - 168:23
double-digit [1] - 241:4
doubt [3] - 107:10, 177:6, 177:8
down [16] - 20:20, 30:6, 56:2, 69:12, 98:9, 202:20, 207:23, 207:24, 225:25, 226:19, 227:7, 245:22, 249:11, 249:12, 259:22
downward [1] - 11:15
draft [2] - 128:17, 128:18
drafted [3] - 123:23, 128:20
drag [1] - 134:12
Dragon [1] - 223:20
drill [1] - 249:11
drills [1] - 249:12
drink [16] - 47:15, 61:17, 61:25, 62:2, 62:7, 139:23, 140:4, 140:17, 140:21, 141:4, 143:8, 150:13, 151:4, 152:13, 175:7, 175:10
drinking [2] - 61:9, 73:17
drinks [4] - 141:16, 150:16, 150:24, 152:12
drive [4] - 132:2, 239:21, 239:22, 239:23
driver [2] - 122:21, 123:16
driver's [1] - 72:23
driving [2] - 48:16, 123:14
driving-while-intoxicated [1] - 123:14
drop [1] - 213:14
DSI [36] - 7:24, 13:16, 19:22, 23:18, 28:1, 28:2, 32:8, 57:14, 112:21, 112:24, 113:3, 120:11, 123:21, 154:6, 174:25, 178:4, 179:7, 198:8, 199:1, 199:7, 200:8, 200:9, 201:8, 201:17,

201:21, 201:24, 201:25, 238:4, 238:9, 240:18, 244:10, 244:13, 250:22, 256:8
DSI's [3] - 6:22, 116:19, 179:13
due [58] - 11:25, 14:18, 16:2, 26:11, 27:1, 28:22, 28:24, 35:12, 38:11, 39:5, 40:5, 41:17, 43:10, 44:5, 44:24, 45:11, 49:1, 49:8, 53:20, 57:5, 60:24, 61:4, 64:10, 66:18, 74:5, 74:18, 77:2, 77:11, 83:8, 83:13, 87:7, 93:3, 97:3, 99:8, 100:21, 103:3, 111:16, 119:2, 120:2, 120:23, 124:22, 136:5, 142:3, 142:23, 171:11, 173:9, 180:15, 218:1, 223:23, 233:10, 237:2, 237:5, 239:24, 240:25, 242:20, 243:23, 248:6, 249:4
duly [9] - 3:12, 88:16, 111:22, 197:5, 203:17, 209:8, 221:5, 232:16, 263:4
dump [2] - 213:2, 213:13
during [10] - 16:6, 24:16, 32:20, 124:19, 154:6, 188:19, 197:17, 224:23, 225:1, 261:2
duties [6] - 4:9, 4:10, 31:9, 31:12, 42:11, 115:6
duty [1] - 33:5
DWD [8] - 24:11, 24:18, 25:5, 33:9, 33:12, 34:12, 36:4, 37:6
DWI [5] - 42:13, 71:4, 72:23, 165:21, 170:10

E

early [1] - 45:9
easier [1] - 150:6
easily [1] - 174:10
East [4] - 8:23, 9:7, 24:22
Eastern [1] - 112:16
easy [3] - 148:22, 174:8, 174:11
eat [2] - 52:4, 52:8
educate [1] - 21:4
education [2] - 4:18, 202:10
effect [2] - 216:24, 217:25
effective [1] - 57:23
efficient [1] - 57:23
effort [1] - 238:7
efforts [1] - 212:16
egress [1] - 36:12
eight [1] - 4:11
either [9] - 24:19, 29:25, 62:9, 81:7, 120:16, 200:13, 201:24, 214:23, 224:23
email [6] - 23:18, 28:1, 37:17, 38:14, 115:19, 252:10
emails [1] - 116:18
emergency [1] - 183:21
employed [1] - 154:23
employee [1] - 230:7
employees [4] - 144:11, 210:24, 211:25, 217:4
employment [3] - 3:25, 4:2, 113:17
End [1] - 89:11
end [6] - 73:13, 73:19, 159:1, 184:20, 212:22, 214:10
endanger [1] - 15:23
ending [1] - 132:25
ends [4] - 132:24, 133:23, 180:22, 234:25
enforce [1] - 4:7
Enforcement [1] - 154:16
enforcement [4] - 89:5, 89:15, 105:23, 176:9
engaged [4] - 22:1, 56:19, 112:6, 193:2
engaging [1] - 115:15
English [1] - 207:21
enhance [1] - 63:15
enjoying [1] - 239:4
ensure [18] - 13:20, 13:22, 13:23, 13:25, 14:20, 21:8, 37:6, 62:12, 62:22, 63:2, 64:15, 65:20, 197:22, 256:11, 256:12, 256:13, 256:15, 259:5
enter [1] - 146:6
entered [2] - 163:25, 217:22
entering [1] - 147:4
Entertainment [2] - 1:3, 7:20
entire [3] - 125:7, 125:8, 210:7
entities [1] - 24:21
entitled [3] - 2:6, 182:1, 182:5
entity [2] - 8:13, 17:10
entrance [5] - 98:12, 107:6, 224:22, 231:20, 231:23
entries [1] - 19:21
entry [6] - 36:13, 185:6, 185:10, 214:25, 225:2, 225:10
environment [11] - 21:9, 49:10, 49:23, 160:21, 222:2, 224:20, 237:20, 240:5, 241:10, 250:12, 250:13
environments [1] - 249:5
equipment [4] - 161:16, 178:9, 197:23, 246:11
Eric [5] - 2:8, 3:6, 3:7, 128:21, 245:1
ERIC [2] - 3:11, 197:4
especially [1] - 95:21
essence [1] - 155:14
essentially [10] - 24:12, 26:21, 30:22, 36:23, 55:1, 57:9, 164:2, 213:22, 242:23, 253:2
established [3] - 81:22, 106:15, 138:13
establishing [1] - 252:6
establishment [4] - 7:1, 8:19, 27:2, 45:23
establishments [1] - 113:19
estate [1] - 226:18
et [3] - 49:16, 146:14, 193:23
even-handed [2] - 162:13, 162:18
evening [3] - 155:17, 227:21, 234:3
event [4] - 66:5, 76:7, 182:22, 218:3
events [1] - 118:13
eventually [1] - 252:9
evidence [16] - 40:2, 61:20, 61:25, 62:8, 66:16, 67:5, 71:15, 73:19, 79:10, 80:19, 81:2, 129:14, 134:18, 139:10, 154:2, 162:21
ex [1] - 143:25
exact [3] - 192:2, 193:10, 249:2
exactly [6] - 113:23, 142:2, 166:14, 177:2, 184:2, 185:3
Examination [22] - 2:8, 2:9, 2:9, 2:10, 2:11, 2:12, 2:12, 2:13, 2:14, 2:15, 2:15, 2:16, 2:17, 2:19, 2:19, 2:21, 2:21, 2:23, 2:23, 2:24, 2:24, 2:25
examination [3] - 52:16, 220:3, 228:22
EXAMINATION [23] - 3:14, 53:5, 88:18, 95:10, 108:1, 109:8, 111:24, 162:8, 188:7, 195:23, 197:7, 198:23, 203:19, 209:10, 220:4, 221:7, 228:24, 232:18, 245:11, 252:3, 253:8, 255:1, 259:2
example [8] - 6:5, 113:14, 113:16, 114:12, 120:1, 189:18, 189:25, 206:25
examples [2] - 114:3, 223:16
exceptions [1] - 152:13
excessive [1] - 6:17
exchange [4] - 37:17, 38:1, 38:3, 38:15
excuse [2] - 13:17, 63:1
execution [1] - 221:24
executive [1] - 9:4
Exhibit [97] - 8:2, 8:9, 9:11, 11:23, 12:6, 18:3, 18:18, 18:23, 18:25, 23:5, 23:18, 26:20, 27:24, 28:6, 28:9, 29:6, 29:7, 29:17, 29:21, 33:7, 34:9, 35:24, 36:14, 36:20, 37:1, 40:8, 42:17, 44:8, 47:5, 49:6, 53:24, 55:4, 55:5, 59:8, 66:14, 68:2, 68:24, 69:14, 70:3, 70:9, 76:19, 78:3, 78:17, 82:7, 86:7, 99:3, 99:4, 99:16, 99:18, 100:2, 100:15, 100:18, 101:11, 117:22, 118:5, 118:11, 119:14, 119:20, 120:5, 122:1, 122:8, 123:4, 124:6, 127:22, 134:21, 137:12, 140:12, 143:5, 147:25, 153:11, 154:11, 156:5, 156:22, 157:8, 157:19, 160:9, 162:24, 166:10, 166:21, 170:12, 175:6, 178:2, 180:4, 180:13, 180:21, 188:9, 197:10, 199:6, 200:5, 255:13, 259:4
exhibit [8] - 8:5, 8:6, 48:25, 53:24, 139:20, 142:16, 178:2, 188:12
Exhibits [9] - 23:4, 26:7, 31:6, 37:15, 39:24, 61:2, 117:17, 117:19, 258:16
exhibits [4] - 38:20, 49:14, 59:11, 117:4
existed [2] - 18:1, 50:2
exit [8] - 143:9, 143:24, 148:16, 149:12, 213:12, 224:22, 225:3, 225:10
exited [1] - 66:21
exiting [6] - 61:8, 61:16, 61:24, 62:6, 138:4, 148:17
exits [2] - 36:13, 62:21
expect [3] - 64:14, 65:19, 193:13
expectation [1] - 63:3
experience [12] - 5:2, 20:2, 25:8, 44:22, 151:7, 151:20, 152:5, 152:7,

170:25, 214:4, 226:9, 233:2
expires [1] - 263:24
explain [1] - 33:15
explaining [1] - 38:9
explanations [1] - 202:11
expressed [2] - 202:5, 202:8
expressing [1] - 226:20
extensive [1] - 233:7
extent [2] - 153:3, 173:23
exterior [4] - 13:13, 74:22, 76:1, 256:4
extra [1] - 225:4
extract [1] - 138:1
extraordinary [1] - 33:3
extremely [1] - 72:1
eyes [1] - 224:21

F

face [1] - 107:7
facilitators [1] - 4:12
facility [5] - 6:17, 64:18, 74:16, 229:5, 238:21
facing [2] - 98:12, 145:16
fact [20] - 42:9, 63:15, 65:23, 66:18, 73:15, 74:1, 74:4, 75:5, 86:24, 99:6, 114:11, 165:3, 165:14, 189:3, 191:21, 212:10, 239:20, 242:20, 243:23, 249:12
factors [1] - 49:24
facts [4] - 40:2, 128:8, 155:16, 197:24
faded [1] - 188:16
fail [1] - 259:12
failed [2] - 15:7, 160:19
fails [2] - 54:17, 240:4
failure [14] - 13:6, 26:25, 27:4, 38:21, 44:22, 50:3, 56:4, 56:20, 67:10, 158:9, 158:16, 194:12, 197:20, 197:22
fair [40] - 10:1, 18:9, 19:18, 29:9, 53:25, 54:8, 54:24, 58:22, 59:2, 65:6, 67:1, 73:18, 84:24, 98:16, 99:13, 107:20, 116:12, 118:11, 118:16, 162:14, 162:17, 164:22, 166:5, 166:11, 170:5, 175:8, 175:11, 175:22, 176:1, 176:8, 177:1, 183:8, 200:18, 200:23, 202:1, 202:16, 205:23, 234:4, 238:17, 241:4
fairly [1] - 167:14
fairness [1] - 173:3
fall [1] - 57:2
false [13] - 59:23, 59:25, 60:14, 63:9, 67:16, 69:18, 71:1, 73:25, 76:9, 78:19, 170:16, 247:19, 247:23
familiar [30] - 6:25, 7:3, 7:14, 9:7, 70:12, 84:1, 85:6, 113:4, 113:5, 113:9, 116:22, 117:20, 117:21, 119:17, 143:20, 146:13, 147:3, 156:6, 165:11, 165:12, 185:13, 204:7, 213:24, 224:12, 230:12, 231:7, 234:5, 234:10, 234:16, 248:2
far [4] - 5:2, 122:2, 238:2, 249:11
fast [3] - 30:9, 93:21, 137:18
fault [1] - 192:23
February [3] - 23:14, 24:3, 119:23
fed [1] - 18:14
feelings [1] - 218:14
feet [5] - 97:16, 100:17, 100:20, 100:25, 101:3
felt [2] - 148:2, 242:11
female [7] - 61:7, 61:14, 62:4, 62:5, 107:7
few [7] - 37:22, 54:6, 86:6, 86:8, 140:9, 152:14
Fi [1] - 142:20
fields [1] - 19:12
fight [14] - 74:10, 96:18, 97:19, 98:19, 99:23, 100:3, 100:12, 104:16, 106:16, 107:8, 107:13, 183:19, 227:19, 242:24
fights [2] - 27:1, 212:23
figure [7] - 18:10, 63:25, 191:21, 225:8, 249:15, 258:12, 260:1
figured [1] - 131:24
file [2] - 21:18, 231:1
filed [2] - 16:14, 176:21
fills [1] - 163:20
final [3] - 17:13, 48:19, 163:19
finalized [1] - 127:19
finally [2] - 50:12, 145:6
financially [1] - 222:4
findings [4] - 122:25, 123:2, 123:7, 127:21
fine [22] - 12:10, 17:21, 23:15, 23:19, 26:11, 28:3, 50:22, 59:6, 59:15, 59:24, 60:1, 60:7, 60:15, 68:22, 153:6, 242:10, 242:12, 243:2, 243:7, 257:1, 257:6
finish [1] - 75:18
finished [3] - 93:25, 94:1, 161:4
finishes [1] - 206:10
fired [1] - 42:25
fires [1] - 45:5
firewall [1] - 142:20
first [37] - 3:12, 8:18, 11:5, 26:23, 28:13, 37:23, 42:18, 47:21, 59:8, 88:2, 88:5, 88:16, 91:22, 96:23, 110:4, 111:22, 117:23, 133:11, 140:15, 148:6, 161:6, 175:12, 179:24, 194:22, 196:6, 203:4, 203:17, 209:2, 209:8, 214:14, 216:11, 220:23, 221:5, 221:19, 222:5, 232:8, 232:16
first-name [1] - 37:23
fit [1] - 70:24
five [4] - 100:20, 100:25, 101:3, 130:14
fix [2] - 260:20, 260:22
fixed [1] - 261:7
fixes [1] - 259:16
flexibility [2] - 46:8, 46:10
floor [1] - 230:7
flow [1] - 52:2
focus [1] - 58:21
focused [1] - 135:24
folks [1] - 172:21
follow [1] - 149:19
following [9] - 2:1, 15:1, 55:2, 91:13, 136:8, 141:24, 160:23, 179:17, 188:17
follows [8] - 3:13, 88:17, 111:23, 197:6, 203:18, 209:9, 221:6, 232:17
food [3] - 51:12, 51:13, 51:14
footage [16] - 32:2, 33:19, 34:12, 37:8, 37:9, 37:18, 38:7, 38:17, 49:20, 50:3, 93:25, 118:7, 120:8, 128:5, 142:3
footprint [2] - 228:6, 253:3
foregoing [1] - 263:7
foremost [1] - 196:6
form [4] - 5:12, 5:14, 5:15, 48:23
formal [1] - 123:22
format [2] - 13:25, 256:15
forms [1] - 182:21
forth [5] - 14:23, 54:18, 136:22, 246:12
forward [5] - 25:20, 111:14, 127:6, 142:9, 153:21
forwarded [1] - 126:24
foundation [2] - 126:4, 151:11
founded [6] - 190:22, 190:24, 190:25, 191:14, 191:17, 193:8
fountain [1] - 152:10
four [19] - 28:6, 29:22, 30:11, 47:10, 58:12, 58:18, 64:17, 67:2, 163:20, 204:17, 229:21, 229:22, 253:16, 255:25, 256:1, 258:1, 258:3, 258:4, 258:5
four-display [1] - 258:1
fourth [5] - 9:1, 48:24, 160:10, 161:23, 164:4
frame [4] - 22:12, 100:5, 100:11, 197:18
Free [1] - 223:17
frequency [1] - 233:20
fresh [2] - 90:23, 240:14
Friday [1] - 156:15
friend [2] - 95:16, 243:15
friendly [1] - 187:9
front [19] - 20:24, 28:1, 61:9, 61:17, 61:24, 62:7, 117:3, 117:11, 124:16, 125:1, 126:2, 136:22, 143:9, 144:5, 145:15, 160:17, 163:1, 212:4, 240:15
Fruit [1] - 223:21
frustration [1] - 227:4
full [3] - 3:4, 57:13, 138:24
fully [1] - 252:11
fun [3] - 222:2, 224:20, 250:12
function [2] - 67:15, 128:22
functioning [4] - 108:5, 260:17, 260:18
furthest [1] - 242:18
future [1] - 239:4

G

G-i-l-b-e-r-t [1] - 221:1
G-r-a-u-p-m-a-n [1] - 111:18
gain [2] - 4:13, 185:6
gallery [1] - 71:21
gambling [1] - 7:21
garbage [2] - 66:15, 149:3
gather [1] - 154:2
gathered [1] - 91:22
gathering [1] - 128:8
gathers [1] - 127:11
general [18] - 6:8, 77:14, 77:17, 130:9, 141:11, 169:14, 221:15, 221:21, 222:14, 225:7, 225:11, 227:8, 227:23, 229:3,

229:5, 229:6, 233:13, 240:2
generally [16] - 5:24, 7:11, 9:20, 11:13, 39:10, 45:19, 59:11, 130:8, 141:8, 152:2, 189:15, 211:15, 212:3, 229:8, 229:12, 229:20
generate [1] - 182:14
generated [4] - 6:19, 163:22, 196:16, 197:19
generates [2] - 164:2, 196:12
generically [2] - 53:10, 179:10
gentleman [5] - 144:8, 216:8, 219:2, 226:17, 245:1
gentlemen [1] - 144:6
Gilbert [9] - 2:20, 24:12, 24:15, 220:25, 221:9, 228:19, 229:1, 233:13, 249:15
GILBERT [2] - 220:25, 221:4
Ginger [1] - 223:20
given [9] - 43:14, 48:11, 63:16, 125:5, 170:25, 202:11, 218:4, 241:3, 241:13
glass [1] - 13:4
glasses [2] - 47:20
glean [1] - 188:12
go-round [1] - 195:17
God [1] - 64:8
gosh [1] - 221:19
gotcha [2] - 73:7, 98:9
government [1] - 221:10
Governor's [1] - 20:19
grab [1] - 64:5
Grand [76] - 1:4, 6:25, 8:19, 8:20, 75:2, 85:9, 86:10, 109:10, 109:13, 109:14, 110:1, 110:11, 118:10, 120:9, 124:12, 128:6, 128:10, 143:18, 145:15, 145:16, 148:17, 154:15, 154:23, 156:1, 157:14, 162:25, 164:8, 164:13, 165:4, 167:15, 169:9, 170:16, 170:18, 171:19, 188:15, 188:22, 203:11, 204:2, 204:7, 204:9, 204:10, 204:16, 205:6, 207:2, 207:5, 207:8, 209:15, 209:16, 209:17, 209:19, 210:6, 210:8, 210:9, 210:24, 211:2, 213:3, 215:23, 217:11, 223:11, 223:13, 227:2, 228:6, 231:24, 232:21, 232:22, 234:8, 234:12, 234:20, 238:10, 239:7, 245:20, 246:11, 248:23, 254:13, 254:15
Granite [1] - 222:12
grasp [1] - 20:3
Graupman [36] - 2:14, 21:13, 31:24, 32:3, 32:6, 40:14, 41:24, 77:23, 82:20, 85:18, 111:10, 111:12, 111:17, 112:1, 121:3, 133:10, 134:1, 138:18, 138:20, 144:16, 151:15, 162:10, 175:18, 187:21, 199:5, 201:2, 201:5, 212:25, 222:25, 223:7, 230:13, 230:15, 248:18, 248:19, 252:7, 252:24
GRAUPMAN [1] - 111:21
great [3] - 239:2, 244:25, 250:19
gripe [1] - 170:16
ground [1] - 4:5
group [2] - 25:14, 25:15
Group [10] - 1:4, 24:11, 25:6, 33:10, 33:12, 34:12, 36:4, 37:6, 116:21, 245:21
guards [10] - 210:20, 215:12, 217:5, 217:21, 219:1, 219:16, 236:23, 237:13, 241:5, 249:9
guess [9] - 40:20, 50:6, 74:2, 80:11, 128:7, 133:17, 136:2, 166:14, 236:19
guesstimate [1] - 151:22
guests [1] - 213:2
guidance [1] - 15:25
guide [1] - 61:2
gun [1] - 45:6
guys [3] - 187:9, 217:21, 226:14

H

H-u-d-a-k [1] - 3:7
Haas [1] - 9:3
hair [4] - 101:18, 110:18, 110:20, 205:1
half [3] - 210:11, 210:14, 210:17
hallway [24] - 74:13, 76:8, 92:9, 97:11, 97:17, 98:2, 98:9, 98:10, 106:16, 106:19, 106:25, 107:4, 107:6, 107:9, 107:13, 107:14, 107:15, 228:12, 230:10, 235:20, 235:23, 253:15, 257:23, 261:11
hallways [4] - 75:24, 207:2, 228:11, 236:8
hand [8] - 22:4, 137:12, 139:17, 141:3, 148:12, 149:13, 152:12
HAND [1] - 263:15
hand-to-hand [1] - 139:17
handed [2] - 162:13, 162:18
handing [2] - 99:22, 139:24
handle [3] - 155:5, 184:11, 226:21
handled [1] - 30:13
handling [1] - 214:11
hangup [1] - 167:24
happy [4] - 34:23, 99:1, 99:2, 159:4
harassment [4] - 168:9, 168:10, 168:21, 169:3
hard [8] - 20:12, 51:6, 51:8, 51:9, 142:15, 172:12, 202:9, 240:10
hassle [5] - 59:25, 60:2, 214:4, 214:11, 214:13
hat [1] - 144:7
hate [1] - 210:13
head [7] - 209:17, 209:18, 210:5, 210:6, 210:7, 210:19, 233:16
heading [3] - 78:3, 143:8, 175:13
health [5] - 15:17, 15:23, 21:23, 45:25, 57:10
healthy [1] - 21:9
hear [5] - 60:9, 96:19, 171:15, 203:23, 209:24
heard [6] - 69:8, 171:13, 230:15, 230:25, 247:13, 250:15
hearing [13] - 10:11, 16:20, 16:21, 17:1, 17:8, 17:15, 20:13, 59:21, 70:3, 212:10, 216:11
HEARING [1] - 1:10
Hearing [2] - 2:3, 263:10
heavy [1] - 155:9
Heddle [1] - 244:24
heightened [1] - 84:24
Heineken [1] - 223:19
held [8] - 1:3, 2:3, 6:24, 16:21, 20:5, 31:20, 33:22, 116:20
help [9] - 4:12, 21:7, 32:8, 66:2, 99:23, 160:5, 167:1, 167:13, 229:15
helpful [2] - 80:5, 195:14
helping [1] - 48:22
helps [1] - 182:23
hereby [2] - 12:22, 263:6
high [3] - 178:12, 241:16, 245:1
higher [4] - 17:4, 17:25, 30:22, 85:24
highest [1] - 210:23
highlighted [10] - 166:18, 166:19, 166:22, 167:4, 190:12, 193:20, 195:2, 225:1, 231:21
highlighter [1] - 99:7
Hill [1] - 9:4
hire [2] - 207:20, 241:8
hired [7] - 15:11, 21:7, 112:8, 144:11, 211:2, 211:19, 241:9
history [6] - 3:25, 19:19, 20:8, 45:22, 89:1, 233:8
hit [5] - 135:12, 136:7, 137:10, 137:18, 189:19
hit-and-run [1] - 189:19
hmm [2] - 91:3, 134:15
hoc [1] - 183:8
hold [6] - 7:17, 7:18, 10:11, 17:24, 80:13, 245:3
holder [10] - 8:22, 14:20, 17:24, 18:7, 22:1, 28:10, 33:21, 37:10, 50:11, 60:1
holders [2] - 4:18, 19:6
holding [4] - 61:9, 61:17, 61:25, 62:7
holds [3] - 7:1, 7:15, 255:18
home [2] - 8:21, 9:2
homicide [5] - 20:23, 22:8, 127:16, 127:17, 178:14
honestly [1] - 120:16
Honor [29] - 51:15, 57:18, 76:20, 79:9, 81:1, 87:24, 90:7, 95:1, 95:8, 96:3, 109:4, 120:12, 131:2, 131:16, 133:21, 137:17, 143:12, 145:7, 152:15, 172:25, 186:21, 196:23, 202:22, 208:17, 220:16, 228:23, 252:2, 258:25, 262:1
hope [1] - 226:11
HopStar [1] - 223:18
hospital [1] - 249:6
hour [1] - 52:12
hours [23] - 13:23, 14:13, 61:7, 61:14, 66:12, 134:22, 134:24, 139:22, 140:16, 140:18, 140:20, 141:20, 141:23, 142:8, 198:15, 199:15, 229:3, 229:5, 229:6, 229:8, 234:2, 249:21, 256:13
Hudak [29] - 2:8, 3:6, 3:16, 26:4, 35:17,

51:18, 52:16, 53:7, 53:8, 66:23, 78:12, 81:2, 81:20, 123:21, 128:21, 130:24, 156:9, 161:20, 197:9, 198:25, 202:20, 222:25, 242:3, 244:20, 245:2, 251:10, 251:18, 258:9
HUDAK [3] - 3:6, 3:11, 197:4
Hudak's [1] - 111:9
huffy [1] - 185:17
humans [1] - 182:24
hundred [1] - 175:25
hundreds [1] - 151:19

I

ID [4] - 163:5, 212:19, 212:21, 214:15
idea [3] - 5:3, 113:22, 114:18
identifiable [3] - 150:3, 174:7, 174:11
identification [2] - 49:21, 99:4
identified [4] - 139:16, 140:24, 163:5, 190:1
identify [17] - 12:12, 45:9, 99:23, 131:6, 142:4, 142:6, 144:4, 144:9, 150:6, 150:8, 150:12, 174:14, 174:19, 190:8, 214:15, 214:18, 216:5
illegal [2] - 114:8, 146:2
image [2] - 138:1, 140:2
images [1] - 120:8
immediately [9] - 14:6, 14:10, 52:19, 148:11, 199:10, 239:7, 239:12, 256:21, 256:25
impact [3] - 6:1, 16:9, 159:24
implement [1] - 197:21
imply [1] - 210:20
important [12] - 45:2, 45:7, 48:5, 51:19, 74:17, 95:5, 114:19, 154:1, 159:23, 162:2, 162:13, 240:24
impose [1] - 75:10
imposed [6] - 23:23, 50:15, 67:18, 68:7, 69:5, 234:11
imposing [1] - 45:24
imposition [7] - 8:7, 12:9, 23:16, 67:22, 68:17, 68:22, 119:22
impressive [1] - 223:22
improve [1] - 45:24
imputed [1] - 15:11
in-depth [1] - 159:5
inability [3] - 39:3, 51:6, 56:4
Inaudible [45] - 11:25, 38:11, 39:5, 40:5, 41:17, 43:10, 44:5, 45:11, 49:1, 49:8, 53:20, 57:5, 60:24, 61:4, 64:10, 74:5, 74:18, 77:2, 77:11, 83:8, 83:13, 87:7, 93:3, 97:3, 99:8, 100:21, 103:3, 111:16, 119:2, 120:23, 124:22, 136:5, 142:23, 171:11, 173:9, 180:15, 198:5, 217:18, 218:1, 233:10, 237:2, 237:5, 239:24, 240:25, 248:6
inaudible [64] - 15:13, 16:2, 20:15, 28:24, 34:21, 35:12, 40:25, 42:22, 52:18, 53:14, 55:13, 57:4, 76:25, 78:21, 82:20, 83:21, 91:4, 92:22, 93:9, 96:15, 103:5, 112:13, 120:2, 124:9, 136:3, 139:6, 143:23, 153:6, 167:9, 175:18, 176:17, 176:18, 177:12, 177:15, 178:25, 181:2, 187:12, 193:4, 198:3, 198:6, 209:20, 214:23, 216:5, 218:12, 221:23, 222:9, 222:10, 223:23, 224:13, 225:4, 226:10, 226:11, 227:12, 227:13, 228:3, 229:9, 229:13, 229:17, 229:21, 231:12, 240:9, 249:17, 255:5
inaudible) [26] - 9:18, 14:22, 23:2, 50:4, 58:19, 64:13, 65:5, 68:9, 69:12, 76:16, 79:23, 84:7, 133:24, 138:19, 145:3, 174:4, 175:20, 178:3, 213:13, 216:9, 218:25, 221:12, 224:15, 227:14, 241:11, 251:14
Inaudible/ discussion [1] - 80:10
Inc [3] - 24:13, 146:9
incapable [1] - 197:24
inception [1] - 221:17
incident [85] - 14:4, 14:8, 32:21, 40:10, 40:12, 41:7, 43:3, 43:9, 43:17, 46:7, 71:3, 72:15, 72:19, 90:2, 90:21, 90:23, 91:14, 93:11, 94:20, 94:21, 94:22, 95:4, 95:14, 95:17, 95:19, 95:25, 96:2, 96:10, 102:8, 103:9, 105:2, 108:22, 117:24, 119:7, 122:11, 122:13, 122:14, 122:21, 123:3, 123:8, 123:9, 123:11, 123:17, 123:20, 124:9, 124:16, 124:23, 125:7, 125:8, 125:9, 127:24, 128:1, 128:4, 128:9, 129:15, 129:21, 130:3, 134:4, 135:5, 153:16, 153:23, 154:14, 154:18, 154:20, 155:5, 155:22, 156:18, 156:25, 157:1, 158:4, 176:7, 181:25, 182:6, 183:3, 183:16, 186:6, 191:11, 193:21, 194:11, 194:22, 194:24, 195:7, 227:16, 256:19, 256:23
incidents [16] - 21:21, 22:15, 22:17, 32:25, 45:4, 66:6, 113:25, 115:22, 116:2, 118:14, 137:7, 146:4, 175:4, 175:19, 178:25, 179:9
inclination [1] - 87:19
include [14] - 4:10, 6:11, 6:13, 6:15, 6:16, 17:21, 54:7, 71:16, 75:2, 75:24, 115:24, 153:20, 222:18, 251:18
included [8] - 36:10, 48:22, 58:4, 122:19, 134:18, 158:5, 251:8, 251:9
includes [3] - 159:10, 193:19, 222:17
including [1] - 118:18
inclusive [2] - 9:25, 19:19
incoming [1] - 25:17
incomplete [6] - 34:3, 34:7, 34:8, 35:8, 36:16, 37:9
increase [1] - 229:13
indicate [3] - 107:8, 185:5, 185:9
indicated [5] - 27:15, 38:24, 71:12, 73:16, 96:8
indicating [3] - 23:19, 41:4, 44:9
indicative [1] - 182:18
Indiscernible [3] - 24:6, 100:6, 129:1
individual [33] - 8:13, 8:15, 9:10, 36:9, 42:25, 45:5, 47:15, 71:8, 74:1, 125:17, 135:15, 135:21, 135:22, 136:7, 136:10, 136:17, 136:24, 137:3, 138:21, 139:15, 140:24, 141:24, 144:4, 144:21, 144:23, 144:25, 148:4, 148:11, 148:16, 150:1, 216:1, 216:12
individually [3] - 30:14, 30:17, 30:19
individuals [12] - 4:11, 7:9, 8:11, 16:24, 25:10, 47:17, 47:18, 67:3, 145:25, 150:2, 150:11, 213:7
industry [1] - 241:15
inebriated [1] - 48:15
information [27] - 5:18, 18:10, 18:14, 31:23, 41:11, 42:8, 43:14, 45:8, 49:13, 91:23, 94:7, 113:2, 118:21, 125:11, 126:10, 126:18, 127:11, 127:17, 130:4, 130:6, 153:20, 155:19, 161:6, 161:18, 188:11, 252:10, 255:3
informed [2] - 85:22, 226:22
infraction [1] - 171:21
ingress [1] - 36:12
inherited [2] - 224:10, 226:7
initial [8] - 20:16, 128:14, 130:5, 226:5, 236:17, 242:18, 243:21, 244:24
initials [1] - 224:5
initiated [2] - 37:13, 196:7
injure [1] - 15:22
inquire [1] - 88:14
inside [25] - 50:1, 50:2, 67:20, 74:3, 133:15, 133:18, 145:18, 145:25, 212:5, 213:15, 217:6, 217:8, 217:10, 220:7, 220:9, 228:6, 230:2, 230:3, 230:8, 234:21, 246:10, 247:2, 249:17, 250:19
inspect [1] - 113:15
Inspection [2] - 114:5, 256:8
inspections [1] - 4:15
Inspections [15] - 5:17, 13:16, 19:2, 19:14, 112:21, 114:15, 115:7, 116:17, 118:8, 118:10, 120:10, 198:13, 200:14, 201:7, 251:19
inspectors [2] - 4:11, 113:13
instance [9] - 6:16, 84:5, 86:6, 127:16, 131:19, 165:21, 189:25, 191:1, 214:14
instances [6] - 5:20,

22:16, 43:15, 64:17, 149:23, 165:17
instead [1] - 244:3
instituted [1] - 85:23
integrity [1] - 127:14
intended [1] - 200:1
intense [2] - 16:8, 16:10
intent [3] - 199:22, 200:12, 201:23
intentionally [2] - 251:16, 251:20
intentions [1] - 60:6
interactions [2] - 49:15, 186:25
interacts [1] - 32:5
interest [1] - 263:13
interesting [3] - 132:9, 243:22, 245:17
interfere [1] - 52:1
interior [5] - 13:12, 74:22, 246:10, 246:17, 256:4
internal [1] - 254:14
interpretation [1] - 183:9
Interruption [1] - 31:10
intimately [1] - 234:4
intoxicated [4] - 123:13, 123:14, 214:16, 216:17
invested [1] - 250:8
investigate [8] - 5:10, 5:20, 91:20, 93:7, 158:6, 186:4, 198:8, 247:20
investigated [3] - 113:25, 114:7, 127:13
investigating [14] - 89:18, 94:15, 105:1, 105:15, 105:24, 106:6, 108:7, 113:10, 119:4, 119:18, 125:10, 176:7, 180:2, 183:17
investigation [33] - 11:17, 12:17, 21:2, 90:5, 94:1, 117:1, 118:12, 121:22, 122:16, 122:19, 122:24, 123:10, 124:19, 124:25, 125:4, 126:9, 126:11, 126:13, 127:3, 127:6, 127:8, 127:9, 127:10, 127:20, 129:18, 149:20, 153:13, 153:18, 161:18, 162:3, 162:18, 184:20, 258:10
investigations [3] - 114:9, 114:13, 162:14
investigator [2] - 116:8, 127:10
investigators [1] - 116:1
invited [1] - 187:7
involve [1] - 32:9
involved [12] - 24:2, 90:20, 90:21, 91:10, 122:21, 123:13, 166:13, 176:5, 176:9, 178:20, 245:15, 245:17
involvement [1] - 193:9
involving [1] - 183:16
irresponsible [1] - 50:10
issue [11] - 16:12, 17:13, 20:11, 38:25, 63:8, 71:5, 81:21, 146:1, 194:12, 202:14, 244:6
issued [5] - 7:23, 9:15, 20:16, 23:14, 25:19
issues [14] - 4:19, 32:9, 38:19, 42:16, 48:12, 48:17, 222:22, 240:14, 240:15, 241:19, 241:20, 244:5, 244:10, 244:13
IT [1] - 263:3
itself [3] - 8:19, 16:4, 200:18

J

jacket [2] - 62:6, 144:7
Jackson [2] - 130:19, 156:2
jean [1] - 62:5
job [10] - 31:9, 31:12, 57:23, 115:11, 123:19, 165:1, 166:8, 169:18, 170:7, 192:13
John [1] - 243:12
Johnson [19] - 1:4, 7:7, 7:13, 19:7, 20:4, 21:3, 21:11, 22:10, 24:17, 29:2, 242:13, 245:20, 246:2, 246:14, 246:15, 246:16, 246:18, 246:22, 247:10
Johnson's [2] - 8:21, 243:13
Johnson/RJMP [1] - 257:12
joined [1] - 3:23
jointly [1] - 128:21
Josh [1] - 154:17
judge [11] - 51:20, 87:9, 95:5, 97:21, 98:22, 162:2, 172:23, 181:8, 204:1, 206:24, 206:25
JUDGE [118] - 1:11, 3:3, 3:9, 20:14, 26:1, 27:18, 30:5, 35:10, 39:13, 40:3, 46:22, 51:23, 52:21, 57:20, 69:7, 71:20, 76:22, 79:11, 80:8, 80:12, 81:4, 81:11, 86:16, 87:11, 87:14, 88:1, 88:8, 88:12, 90:9, 95:9, 96:6, 97:22, 98:23, 98:25, 100:23, 101:9, 103:24, 107:23, 108:10, 109:5, 109:21, 111:4, 111:7, 111:13, 111:19, 120:15, 121:1, 121:7, 121:11, 121:15, 121:19, 125:21, 126:5, 126:21, 129:5, 131:4, 131:12, 131:18, 132:1, 132:7, 132:10, 132:15, 132:23, 133:2, 133:5, 136:13, 150:19, 151:13, 151:25, 152:24, 153:5, 162:6, 173:4, 181:9, 186:23, 188:1, 188:8, 195:13, 196:19, 196:24, 198:20, 202:19, 202:25, 203:3, 203:6, 203:9, 203:13, 206:6, 208:14, 208:20, 208:25, 209:5, 209:22, 210:12, 210:15, 220:2, 220:17, 220:22, 221:2, 223:25, 228:21, 230:21, 232:2, 232:6, 232:12, 245:8, 247:5, 250:4, 251:25, 253:9, 254:7, 254:11, 254:18, 254:23, 258:20, 259:1, 261:24, 262:2
Judge [3] - 2:15, 2:24, 173:3
juice [1] - 152:9
jump [2] - 50:21, 50:24
jumps [1] - 138:13
June [2] - 20:11, 20:17
Justin [2] - 236:2, 253:24
Justin's [2] - 254:3, 254:12
JUUT [6] - 110:18, 110:20, 186:15, 204:22, 205:1, 207:20

K

keep [6] - 48:6, 52:22, 152:11, 212:24, 229:16, 251:2
keeping [1] - 223:14
keeps [1] - 192:12
kept [1] - 184:5
Kerns [1] - 225:18
kind [48] - 3:25, 5:23, 6:22, 9:24, 10:18, 12:11, 15:2, 20:17, 21:18, 23:11, 25:9, 29:13, 33:24, 42:12, 45:6, 50:1, 53:25, 61:2, 67:24, 84:20, 84:21, 84:22, 86:12, 90:23, 97:9, 113:2, 115:13, 115:14, 121:23, 126:7, 131:9, 137:6, 140:4, 146:19, 159:7, 169:5, 171:14, 172:20, 205:4, 206:12, 214:17, 218:23, 218:24, 218:25, 237:18, 240:2, 260:1, 261:17
knock [1] - 64:6
knowing [4] - 170:6, 184:5, 202:9, 261:5
knowledge [6] - 56:14, 108:20, 141:11, 231:13, 240:9, 259:17
KNOWN [1] - 263:3
known [1] - 48:10

L

L-y-f-o-u-n-g [1] - 88:7
label [3] - 139:21, 142:4, 174:19
labeled [5] - 131:20, 131:21, 131:22, 139:19, 139:22
labels [1] - 150:4
lack [1] - 235:19
lacks [2] - 126:3, 151:10
ladies [1] - 74:14
language [1] - 200:17
laptop [2] - 142:19, 142:20
large [1] - 155:5
last [24] - 3:7, 88:3, 88:6, 111:17, 141:22, 142:8, 145:7, 161:2, 180:8, 180:12, 180:21, 197:11, 199:6, 200:11, 200:12, 201:23, 202:25, 209:2, 220:24, 225:20, 232:8, 241:14, 254:3
late [1] - 22:13
law [7] - 56:7, 56:8, 56:10, 105:23, 115:4, 115:5, 176:9
Law [2] - 2:15, 2:24
LAW [117] - 3:3, 3:9, 20:14, 26:1, 27:18, 30:5, 35:10, 39:13, 40:3, 46:22, 51:23, 52:21, 57:20, 69:7, 71:20, 76:22, 79:11, 80:8, 80:12, 81:4, 81:11, 86:16, 87:11, 87:14, 88:1, 88:8, 88:12, 90:9, 95:9, 96:6, 97:22, 98:23, 98:25, 100:23, 101:9, 103:24, 107:23, 108:10, 109:5, 109:21, 111:4, 111:7, 111:13, 111:19, 120:15, 121:1, 121:7, 121:11, 121:15, 121:19, 125:21, 126:5, 126:21, 129:5, 131:4, 131:12, 131:18, 132:1, 132:7, 132:10, 132:15, 132:23, 133:2, 133:5,

136:13, 150:19, 151:13, 151:25, 152:24, 153:5, 162:6, 173:4, 181:9, 186:23, 188:1, 188:8, 195:13, 196:19, 196:24, 198:20, 202:19, 202:25, 203:3, 203:6, 203:9, 203:13, 206:6, 208:14, 208:20, 208:25, 209:5, 209:22, 210:12, 210:15, 220:2, 220:17, 220:22, 221:2, 223:25, 228:21, 230:21, 232:2, 232:6, 232:12, 245:8, 247:5, 250:4, 251:25, 253:9, 254:7, 254:11, 254:18, 254:23, 258:20, 259:1, 261:24, 262:2
law-abiding [2] - 115:4, 115:5
laws [2] - 56:9, 56:21
layout [1] - 253:4
lead [5] - 30:19, 48:12, 124:1, 127:11, 207:2
leading [4] - 40:1, 46:21, 92:9, 126:20
leads [1] - 49:17
lean [1] - 72:5
learn [5] - 43:2, 43:3, 129:12, 236:16, 238:24
learned [5] - 43:5, 77:23, 217:21, 258:6, 258:8
learning [1] - 218:17
lease [11] - 75:15, 205:10, 205:12, 206:4, 206:15, 206:18, 234:7, 234:25, 245:25, 246:23, 246:25
leased [8] - 75:20, 75:22, 207:9, 228:9, 234:20, 235:1, 235:7, 235:12
least [4] - 93:1, 164:19, 237:8, 261:9
leave [19] - 14:21, 55:21, 56:6, 56:23, 62:13, 63:2, 63:4, 64:16, 72:9, 86:17, 171:20, 172:22, 176:2, 212:17, 212:22, 219:5, 224:17, 237:21, 237:22
leaves [5] - 63:8, 213:10, 214:8, 214:12, 224:25
leaving [23] - 13:3, 27:5, 46:4, 47:9, 47:12, 47:23, 48:1, 49:25, 50:20, 57:11, 130:11, 136:24, 150:16, 150:24, 173:22, 175:4, 175:19, 197:22, 212:11, 213:16, 214:7, 214:23, 223:3
led [2] - 49:20, 155:17
left [15] - 64:18, 65:16, 67:3, 135:19, 137:12, 152:19, 186:4, 196:18, 213:7, 216:1, 216:12, 216:17, 216:20, 219:16
left-hand [1] - 137:12
legal [1] - 63:11
Legislative [1] - 12:8
legislative [12] - 4:22, 16:19, 16:20, 16:21, 17:1, 17:6, 17:8, 17:15, 46:5, 112:25, 113:11, 198:1
Lego [2] - 154:17, 177:16
Lego's [1] - 186:18
lemonade [1] - 152:11
less [3] - 108:25, 218:21, 249:5
letter [14] - 33:9, 33:12, 33:13, 34:11, 36:3, 37:14, 123:22, 128:18, 128:20, 130:17, 130:19, 156:7, 157:12, 157:16
letting [1] - 244:3
level [11] - 105:16, 105:18, 105:19, 105:25, 108:20, 112:14, 155:15, 167:7, 178:13, 202:3, 233:19
lewd [2] - 26:22
liability [1] - 114:21
liaison [9] - 13:15, 77:1, 89:5, 89:14, 112:21, 201:2, 201:12, 201:17, 256:7
LIB [2] - 211:6, 211:7
license [91] - 3:21, 4:11, 4:18, 7:18, 7:19, 7:20, 7:21, 8:22, 12:16, 13:7, 14:15, 14:16, 14:20, 15:24, 16:4, 16:5, 16:13, 17:3, 17:11, 17:14, 17:17, 17:22, 17:24, 19:6, 19:20, 20:5, 20:10, 20:16, 21:25, 23:16, 23:22, 25:19, 26:11, 26:16, 28:10, 28:11, 31:18, 32:18, 33:20, 37:10, 43:16, 44:24, 50:11, 50:13, 51:3, 51:5, 54:18, 60:1, 67:15, 67:18, 68:18, 69:1, 75:19, 83:17, 94:11, 103:12, 103:18, 119:22, 154:4, 158:12, 171:1, 171:5, 171:25, 172:17, 178:22, 179:22, 181:19, 182:5, 184:7, 186:20, 199:19, 202:6, 234:10, 234:14, 242:14, 242:16, 242:21, 243:25, 244:8, 244:14, 247:12, 255:10, 255:14, 255:15, 255:16, 255:20, 255:23, 257:3, 257:9
License [3] - 13:9, 14:14, 198:3
licensed [63] - 6:7, 6:14, 6:19, 8:18, 12:7, 13:4, 13:8, 13:13, 14:21, 15:8, 15:16, 15:20, 16:16, 17:2, 17:3, 17:16, 22:5, 26:21, 27:2, 27:5, 45:23, 46:20, 47:9, 47:12, 47:19, 47:23, 48:1, 48:6, 48:13, 55:21, 56:6, 56:22, 57:11, 72:20, 72:23, 74:23, 74:25, 76:2, 76:15, 77:19, 77:24, 82:8, 82:21, 113:14, 113:20, 145:19, 147:9, 160:20, 185:20, 185:23, 187:11, 187:18, 227:24, 228:1, 231:15, 234:15, 234:18, 235:2, 235:8, 235:15, 246:25, 252:15, 256:5
licensee [65] - 7:3, 7:5, 7:6, 7:12, 9:25, 10:3, 10:4, 10:8, 10:9, 12:21, 13:6, 13:10, 13:13, 13:20, 14:2, 14:5, 14:9, 14:11, 15:7, 19:4, 19:20, 21:18, 25:3, 28:17, 36:23, 45:2, 49:16, 54:17, 55:19, 56:18, 57:8, 57:10, 62:12, 64:1, 70:16, 70:21, 70:25, 71:4, 74:21, 75:5, 75:9, 75:11, 75:15, 76:13, 76:24, 77:18, 84:22, 120:6, 130:15, 145:21, 146:8, 160:19, 178:24, 199:13, 200:25, 202:8, 231:4, 246:2, 256:2, 256:5, 256:10, 256:17, 256:20, 256:23, 259:4
licensee's [3] - 27:3, 69:16, 76:7
licensees [7] - 4:22, 9:21, 21:14, 22:10, 31:14, 32:23, 48:3
licenses [20] - 1:3, 6:24, 6:25, 7:14, 7:17, 7:22, 7:23, 11:2, 16:7, 16:8, 16:11, 20:3, 25:12, 31:20, 45:15, 45:17, 56:9, 112:25, 116:20, 247:15
Licensing [7] - 2:8, 5:17, 35:17, 123:21, 130:24, 156:9, 161:20
licensing [19] - 3:7, 3:19, 4:9, 4:20, 5:25, 17:18, 18:25, 19:11, 21:1, 28:2, 32:10, 51:18, 113:6, 128:22, 158:18, 183:2, 200:2, 244:10
licensor [1] - 15:10
licensure [2] - 4:13, 19:17
life [28] - 159:22, 160:3, 160:7, 161:9, 164:11, 165:14, 166:17, 167:1, 167:6, 167:21, 167:24, 168:2, 168:3, 168:4, 168:7, 168:12, 168:22, 169:6, 170:21, 189:9, 190:3, 190:20, 190:24, 191:8, 191:13, 195:4, 196:6, 197:17
light [3] - 226:7, 250:10, 250:14
lighting [2] - 13:11, 256:3
like [36] - 21:13, 22:8, 25:9, 32:25, 40:20, 87:17, 93:17, 97:10, 97:13, 99:25, 105:11, 110:4, 111:8, 111:9, 111:10, 116:25, 131:11, 131:15, 132:11, 132:19, 162:17, 171:13, 178:13, 178:16, 183:25, 185:15, 192:11, 196:13, 198:16, 214:16, 214:17, 218:22, 218:23, 237:7, 258:3, 261:8
likely [1] - 189:22
limitation [1] - 106:3
limited [4] - 54:19, 84:19, 85:25, 208:18
limitedly [1] - 85:7
limits [2] - 70:20, 70:24
line [3] - 153:4, 157:18, 169:7
linked [1] - 72:19
linking [1] - 72:22
liquid [1] - 152:3
Liquor [4] - 1:2, 1:2, 1:3
liquor [13] - 7:18, 14:22, 45:14, 51:6, 51:8, 51:9, 55:21, 171:19, 175:20, 213:8, 213:13, 242:14
list [17] - 9:17, 10:15, 23:22, 84:14, 84:16, 102:4, 102:7, 102:9, 103:14, 117:3, 168:20, 170:21, 188:10, 189:14, 190:1, 195:2, 195:25
listed [7] - 12:11, 160:24, 167:11, 174:20, 193:16, 193:21, 194:3

listen [1] - 226:14
listening [1] - 263:9
lists [4] - 8:10, 10:19, 19:6, 102:6
Lite [1] - 64:5
littering [2] - 149:4, 151:2
lived [1] - 239:9
lives [1] - 225:20
living [1] - 115:1
livingston [1] - 225:12
located [4] - 1:4, 107:5, 207:8, 207:9
location [11] - 7:21, 18:8, 39:22, 43:1, 84:18, 127:17, 158:3, 164:17, 187:7, 233:19
log [1] - 115:8
look [84] - 5:5, 5:10, 5:19, 5:21, 5:24, 5:25, 6:1, 9:11, 11:23, 12:2, 18:3, 18:23, 19:15, 21:24, 22:19, 23:4, 32:19, 33:7, 34:9, 34:23, 35:24, 36:15, 37:15, 39:17, 40:8, 41:15, 42:13, 42:15, 42:17, 43:8, 44:7, 46:6, 46:8, 46:10, 47:5, 47:6, 48:21, 49:5, 58:10, 58:23, 59:1, 70:4, 80:20, 116:6, 117:19, 119:13, 122:1, 122:8, 123:19, 124:5, 125:1, 129:25, 134:21, 137:11, 139:19, 143:3, 148:19, 153:11, 154:12, 156:4, 156:5, 156:22, 157:7, 158:19, 159:5, 159:9, 160:10, 160:14, 161:1, 166:25, 168:19, 175:12, 180:5, 189:5, 189:19, 191:6, 197:10, 214:17, 222:19, 231:11, 245:20, 260:15
looked [3] - 11:17, 189:2, 192:20
looking [34] - 26:19, 40:13, 40:14, 42:3, 45:10, 45:21, 45:22, 69:12, 77:5, 86:12, 101:2, 117:23, 131:13, 135:16, 135:18, 143:1, 143:5, 143:17, 144:15, 146:16, 159:6, 159:21, 166:21, 167:19, 175:5, 180:10, 180:11, 191:5, 192:25, 225:9, 237:25, 238:1, 249:25
looks [1] - 214:16
lost [1] - 156:21
loud [2] - 175:14, 226:15
Lounge [1] - 222:10
low [1] - 142:3
lowest [1] - 210:25
LUKE [2] - 209:3, 209:7
Luke [2] - 2:18, 209:3
LYFOUNG [3] - 88:5, 88:10, 88:15
Lyfoung [18] - 2:11, 52:9, 52:14, 53:3, 81:17, 87:17, 87:23, 88:6, 88:11, 88:12, 88:20, 95:12, 107:22, 108:3, 111:5, 247:20, 247:25

M

ma'am [2] - 121:18, 220:11
MAC [1] - 4:7
maintain [3] - 12:23, 26:25, 178:8
maintained [1] - 197:23
maintaining [1] - 161:15
maintains [1] - 15:21
maintenance [3] - 38:19, 38:24, 254:16
majority [5] - 189:17, 192:5, 193:11, 193:15, 227:14
male [7] - 61:23, 62:1, 135:20, 139:24, 140:16, 143:7
MALE [1] - 216:5
malfunction [2] - 251:15, 261:4
malice [1] - 245:3
Mall [5] - 8:23, 9:7, 24:22, 65:15, 254:17
mall [22] - 66:1, 97:6, 97:7, 101:15, 101:21, 107:6, 109:16, 109:18, 110:2, 217:12, 217:15, 217:22, 220:12, 220:13, 234:24, 253:17, 253:18, 254:17, 258:1, 258:2
man [1] - 244:25
manage [3] - 24:15, 160:19, 255:18
managed [1] - 32:20
management [12] - 21:8, 24:4, 24:9, 24:10, 24:14, 24:17, 25:4, 25:16, 37:10, 41:13, 186:25, 257:11
manager [17] - 3:8, 3:19, 3:21, 4:3, 4:20, 33:16, 33:17, 33:18, 50:11, 128:21, 221:15, 221:22, 222:14, 225:11, 227:8, 227:23, 233:14
Manager [7] - 2:8, 35:17, 51:18, 123:21, 130:24, 156:9, 161:20
manager's [1] - 183:11
managers [2] - 32:24, 183:2
managing [4] - 147:9, 222:8, 232:23, 233:6
mandatory [24] - 83:20, 83:23, 83:25, 84:2, 84:4, 84:14, 84:18, 85:1, 85:9, 85:20, 102:4, 102:6, 102:7, 102:13, 102:21, 102:25, 103:14, 108:16, 108:18, 108:19, 109:10, 110:9, 110:23, 110:25
Mango [1] - 223:17
manner [3] - 57:24, 160:20, 240:4
map [1] - 9:25
March [42] - 23:24, 33:9, 34:11, 34:25, 35:4, 35:5, 35:14, 36:6, 40:12, 42:24, 69:1, 71:5, 73:22, 74:10, 77:24, 78:13, 78:14, 82:21, 89:18, 89:19, 104:16, 122:14, 134:3, 156:8, 156:13, 156:14, 156:15, 156:16, 156:24, 157:1, 157:4, 157:5, 158:25, 194:8, 194:11, 215:2, 215:4, 227:15, 240:16, 247:19, 250:22, 261:3
mark [3] - 97:18, 98:22, 99:2
marked [8] - 90:12, 99:4, 123:4, 127:22, 128:10, 143:12, 153:10, 156:4
marking [1] - 142:21
match [1] - 144:15
material [1] - 256:24
materials [1] - 14:9
matrix [13] - 8:8, 10:22, 10:24, 28:10, 30:1, 30:18, 30:21, 31:4, 47:22, 50:14, 50:21, 50:25, 119:23
Matt [3] - 19:7, 21:3, 21:11
Matter [1] - 1:2
matter [5] - 2:3, 2:6, 10:10, 10:23, 251:11
matters [3] - 32:8, 240:23, 245:3
Matthew [1] - 7:7
mean [34] - 18:14, 51:3, 62:16, 62:18, 62:19, 82:19, 89:20, 95:15, 103:15, 106:22, 108:19, 109:2, 109:15, 124:14, 149:5, 152:18, 165:15, 166:3, 174:3, 178:13, 178:14, 181:22, 183:2, 191:14, 191:18, 200:13, 214:22, 217:9, 219:9, 224:6, 258:3, 259:11, 260:7, 260:11
meaning [5] - 119:6, 160:3, 166:15, 167:5, 201:24
means [8] - 10:25, 29:3, 65:21, 108:20, 123:10, 133:21, 134:8, 149:9
meant [1] - 171:14
measures [2] - 64:14, 65:20
meet [9] - 21:14, 21:17, 29:1, 166:20, 225:16, 225:19, 225:21, 225:23, 225:24
meeting [5] - 21:6, 22:10, 225:14, 226:5, 252:8
meetings [1] - 226:3
member [3] - 23:19, 125:24, 176:10
members [3] - 91:25, 224:24, 239:1
memorialized [1] - 24:1
memory [2] - 80:5, 231:11
mentioned [15] - 38:4, 59:5, 59:14, 83:11, 123:11, 141:1, 151:3, 161:10, 170:10, 174:22, 184:1, 191:9, 199:7, 201:17, 222:13
menu [1] - 152:2
Messrs [1] - 24:14
met [6] - 7:9, 21:2, 21:11, 91:7, 225:13, 248:19
method [1] - 28:12
metric [1] - 69:6
Metropolitan [1] - 4:4
Michelle [1] - 225:19
Microsoft [1] - 138:1
middle [3] - 20:18, 97:9, 221:12
midst [2] - 245:21, 245:23
might [21] - 6:19, 6:20, 43:15, 45:10, 46:9, 47:25, 49:15, 63:15, 69:20, 74:7, 95:24, 115:1, 122:2, 123:16, 127:24, 146:6, 173:21, 178:18, 198:8, 200:3, 208:9
Miller [1] - 64:5
mind [3] - 90:23, 130:1, 247:1
mine [5] - 41:2, 99:2, 132:1, 188:5, 188:16
minimum [2] - 14:3, 256:18
Minneapolis [2] - 222:9, 222:10
MINNESOTA [1] - 263:1
Minnesota [2] - 2:5, 263:24
minute [1] - 191:6
minutes [3] - 104:13,

106:11, 239:9
mishmash [1] - 209:24
miss [1] - 144:17
missed [1] - 129:9
missing [11] - 37:8, 37:18, 38:4, 38:17, 44:2, 69:21, 69:22, 69:23, 108:4, 199:12, 258:9
misspoke [1] - 238:16
Mist [1] - 223:20
mistake [1] - 129:10
mobility [1] - 22:17
modification [1] - 69:3
modified [1] - 70:1
moment [15] - 28:15, 51:16, 58:10, 70:4, 70:9, 92:2, 94:24, 95:1, 99:20, 168:14, 168:19, 186:20, 186:22, 218:4
monetary [1] - 17:21
money [2] - 246:7, 260:22
Monica [1] - 9:3
monitor [1] - 260:4
monitored [1] - 48:9
monitoring [2] - 51:25, 138:21
month [3] - 241:13, 241:14, 261:2
months [2] - 50:9, 65:18
morning [17] - 3:16, 3:17, 64:21, 116:4, 203:21, 203:22, 209:12, 209:13, 229:1, 229:2, 232:11, 232:13, 232:20, 233:25, 245:13, 245:14, 246:3
mortar [2] - 18:11, 25:1
most [12] - 4:15, 113:4, 113:5, 141:15, 149:7, 149:23, 211:17, 227:8, 227:9, 227:11, 233:24, 241:12
motion [1] - 207:25
motion-activated [1] - 207:25
move [5] - 6:3, 58:16, 152:21, 169:1, 176:3
moved [2] - 89:4, 207:22
MR [131] - 3:6, 20:12, 25:24, 27:16, 30:4, 34:17, 34:19, 34:21, 39:12, 40:1, 46:21, 52:18, 53:6, 53:22, 57:7, 57:25, 61:1, 61:5, 64:12, 68:11, 69:11, 69:13, 72:11, 74:9, 74:20, 77:4, 77:13, 79:12, 80:7, 80:9, 81:24, 81:25, 83:10, 83:16, 86:19, 87:9, 88:5, 88:10, 89:20, 95:11, 96:14, 97:5, 97:21, 97:23, 98:22, 99:5, 99:12, 100:10, 101:13, 103:6, 104:2, 107:21, 108:8, 109:7, 109:9, 109:24, 111:3, 120:13, 120:25, 121:5, 121:9, 125:16, 126:3, 126:20, 128:25, 129:4, 136:12, 137:17, 138:24, 139:2, 139:6, 150:18, 151:10, 151:24, 152:21, 153:3, 162:9, 171:17, 173:2, 173:12, 180:18, 181:3, 181:7, 181:11, 186:21, 186:24, 187:20, 187:23, 196:23, 198:22, 198:24, 202:17, 203:2, 203:5, 203:8, 203:12, 203:20, 206:14, 208:5, 208:8, 208:11, 209:3, 209:11, 210:4, 210:18, 216:10, 218:2, 219:25, 220:19, 220:25, 221:8, 224:2, 228:18, 232:4, 232:9, 232:19, 233:12, 237:9, 238:17, 238:18, 240:1, 241:2, 245:5, 246:19, 247:3, 252:2, 252:4, 253:7, 258:25, 259:3, 261:22
MS [134] - 3:15, 12:1, 18:2, 26:2, 26:3, 27:22, 27:23, 28:25, 30:8, 30:10, 31:11, 34:16, 34:18, 34:20, 34:22, 35:13, 38:13, 39:6, 39:16, 40:7, 41:19, 43:12, 44:6, 45:13, 47:2, 47:3, 49:3, 49:12, 51:15, 51:17, 53:2, 57:18, 76:20, 76:23, 79:9, 80:11, 80:25, 81:8, 86:15, 86:17, 87:24, 88:19, 89:22, 89:24, 89:25, 90:7, 90:11, 93:5, 94:25, 95:2, 95:7, 96:3, 98:24, 107:25, 108:2, 108:14, 109:4, 111:11, 111:25, 119:12, 120:3, 120:12, 121:21, 124:24, 125:19, 125:25, 126:12, 126:23, 128:12, 129:6, 131:2, 131:7, 131:15, 131:22, 132:5, 132:9, 132:13, 132:17, 133:1, 133:4, 133:9, 133:20, 133:25, 136:6, 136:16, 137:18, 137:20, 139:1, 139:3, 139:7, 142:25, 143:11, 143:14, 145:6, 145:10, 150:21, 151:14, 152:1, 152:15, 153:7, 153:8, 162:5, 171:15, 172:25, 173:6, 181:1, 181:6, 195:21, 195:24, 196:17, 197:8, 198:19, 202:22, 208:17, 220:5, 220:16, 228:23, 228:25, 230:24, 231:25, 238:15, 245:10, 245:12, 246:21, 247:9, 248:8, 250:7, 251:23, 254:5, 254:9, 254:21, 255:2, 258:18, 262:1
mud [1] - 200:22
muddy [1] - 122:2
multiple [7] - 29:4, 110:16, 133:11, 233:5, 242:11, 250:15, 252:7
multitude [1] - 119:6
must [3] - 62:23, 67:24, 198:14
MY [1] - 263:15

N

NA [2] - 223:18, 224:5
naive [1] - 240:22
name [20] - 3:5, 3:6, 3:7, 19:5, 37:23, 88:5, 88:6, 111:17, 142:7, 144:9, 187:23, 203:1, 203:4, 209:1, 221:9, 221:10, 221:12, 225:20, 246:12, 254:3
named [2] - 9:10, 253:24
names [4] - 88:3, 209:2, 220:24, 232:8
narcotics [1] - 112:14
narrate [1] - 140:23
narrative [5] - 90:15, 90:16, 90:17, 124:11, 124:13
narratives [1] - 124:15
nature [2] - 21:23, 151:6
near [1] - 43:1
nearby [2] - 52:8, 52:13
necessarily [9] - 22:15, 54:12, 81:14, 84:23, 178:12, 184:22, 191:11, 202:10, 238:1
necessary [2] - 4:13, 222:3
need [28] - 15:4, 34:23, 52:13, 59:11, 69:7, 70:6, 70:10, 72:8, 72:9, 83:2, 99:25, 113:2, 113:5, 113:8, 117:10, 121:2, 127:18, 128:17, 129:23, 130:2, 131:13, 144:2, 168:15, 180:25, 188:9, 206:9, 212:20, 230:22
needed [7] - 32:16, 91:23, 116:6, 128:15, 146:22, 158:6, 244:2
needs [9] - 48:8, 48:9, 48:10, 125:11, 127:13, 155:13, 161:16, 222:1, 230:6
negative [3] - 226:7, 250:9, 250:14
negatively [1] - 159:24
negativity [1] - 240:13
neighbor [2] - 5:13, 199:16
neighborhood [7] - 5:12, 6:12, 6:20, 148:18, 150:24, 225:22, 244:1
neighboring [1] - 5:14
neighbors [9] - 16:9, 86:1, 214:3, 225:16, 225:24, 226:8, 226:13, 240:17, 250:16
nervous [1] - 215:18
never [11] - 81:6, 184:3, 187:3, 187:5, 194:16, 217:13, 248:19, 251:18, 251:20, 252:8, 259:12
next [15] - 12:25, 13:8, 14:14, 14:23, 50:21, 50:24, 58:17, 106:18, 140:6, 144:8, 163:15, 163:17, 192:15, 195:17, 199:16
nice [1] - 112:3
night [17] - 73:10, 90:14, 91:8, 91:17, 211:10, 211:11, 211:14, 211:16, 212:23, 213:18, 214:10, 219:2, 219:10, 227:18, 236:14, 236:24
night's [1] - 211:14
nights [8] - 53:3, 211:23, 225:1, 227:8, 227:9, 227:11, 229:18, 231:21
nine [2] - 236:23, 237:15
nobody [1] - 92:3
noise [1] - 6:13
non [1] - 124:18
non-public [1] - 124:18
nonalcoholic [12] - 151:23, 152:8, 172:16, 223:8, 223:12, 223:15, 224:3, 224:7, 224:9, 224:12, 224:13, 224:14
none [4] - 38:23, 62:3, 83:4, 83:5

nonresponsive [3] - 129:4, 136:12, 150:18
nonserious [3] - 181:25, 182:6, 182:22
nonseriousness [1] - 182:18
normal [5] - 21:14, 32:24, 42:1, 75:13, 115:11
normally [1] - 42:10
Nos [1] - 68:24
Notary [3] - 2:4, 263:5, 263:23
note [8] - 19:22, 61:6, 61:11, 71:25, 133:6, 164:11, 166:25, 169:22
Note [3] - 24:6, 100:6, 129:1
noted [4] - 38:18, 107:3, 175:24, 199:3
notes [5] - 19:13, 31:7, 38:23, 186:22, 263:8
nothing [8] - 69:23, 86:3, 111:3, 147:21, 224:25, 240:18, 244:25, 253:7
notice [23] - 8:6, 8:16, 9:14, 9:19, 10:7, 10:15, 16:6, 16:12, 23:13, 25:21, 26:4, 28:4, 29:16, 29:19, 30:1, 33:20, 41:8, 48:20, 117:14, 119:21, 132:17, 160:8, 160:10
noticed [3] - 8:14, 136:24, 148:5
notices [2] - 19:24, 27:17
notified [2] - 8:11, 123:21
notify [1] - 18:21
November [3] - 26:12, 242:15, 245:18
nuisance [3] - 6:12, 6:21, 213:22
number [38] - 8:11, 22:6, 39:21, 77:8, 77:10, 90:2, 112:11, 113:12, 113:19, 113:23, 113:25, 114:6, 116:7, 116:12, 116:13, 118:13, 118:17, 132:24, 141:14, 158:14, 163:4, 163:6, 163:11, 163:13, 182:9, 182:17, 189:8, 192:2, 192:11, 193:10, 210:23, 231:12, 237:4, 241:4, 241:16, 241:17, 249:9, 261:8
numbered [1] - 136:21
numbering [1] - 166:22
numbers [6] - 39:23, 145:7, 153:4, 163:12, 179:9, 182:14
numerical [1] - 163:6
numerous [1] - 142:5
Numerous [2] - 197:14, 197:16

O

OAH [1] - 1:6
Oath [5] - 3:2, 87:25, 202:24, 208:24, 220:21
oath [14] - 3:13, 88:17, 111:15, 111:23, 121:6, 121:8, 121:13, 197:6, 203:18, 209:9, 221:6, 232:5, 232:17
object [5] - 79:10, 80:11, 96:4, 173:1, 173:7
objecting [2] - 80:15, 80:22
objection [32] - 25:24, 27:16, 27:20, 30:4, 30:6, 39:12, 40:1, 46:21, 46:25, 57:18, 80:24, 80:25, 81:12, 96:11, 108:8, 125:16, 125:22, 126:3, 126:20, 128:25, 136:12, 150:18, 151:10, 151:24, 152:22, 153:2, 153:4, 173:5, 238:15, 247:3
objections [3] - 16:5, 16:17, 16:18
obligated [1] - 84:1
obligation [1] - 77:18
observe [1] - 46:19
observed [4] - 47:8, 48:19, 130:8, 175:19
obtain [1] - 153:24
obtaining [1] - 153:25
obviously [14] - 33:18, 114:20, 141:1, 146:22, 148:12, 155:14, 183:25, 186:6, 189:20, 191:3, 193:14, 193:17, 199:17, 219:9
occasion [2] - 226:17, 238:9
occupation [1] - 112:6
occur [8] - 50:9, 65:4, 74:11, 78:23, 79:2, 98:19, 107:13, 114:11
occurred [33] - 33:1, 40:12, 49:21, 64:18, 74:10, 74:13, 78:6, 79:1, 80:18, 81:15, 86:2, 91:14, 93:11, 97:14, 97:19, 99:24, 100:3, 100:12, 104:16, 106:16, 107:9, 124:12, 128:3, 129:16, 154:5, 157:1, 158:4, 170:6, 178:17, 183:19, 184:2, 191:25, 215:25
occurrence [2] - 17:19, 42:24
occurrences [1] - 97:8
occurring [1] - 146:4
October [1] - 26:12
OF [3] - 1:9, 263:1, 263:2
offense [2] - 153:16, 163:20
offense/incident [1] - 154:15
offenses [1] - 84:10
offer [5] - 21:4, 22:3, 52:11, 81:8, 138:18
offered [1] - 152:4
offerings [1] - 52:11
office [6] - 112:18, 115:14, 115:18, 142:22, 231:12, 260:14
Office [7] - 9:23, 19:14, 28:3, 105:10, 105:14, 114:16, 155:20
officer [32] - 16:20, 17:2, 17:8, 17:15, 45:3, 70:22, 78:17, 79:2, 79:8, 81:16, 81:18, 88:21, 89:3, 89:5, 89:6, 89:7, 89:14, 106:4, 112:7, 112:11, 116:8, 119:18, 155:13, 162:10, 169:15, 174:24, 176:9, 185:20, 185:23, 201:16, 239:15, 239:18
Officer [15] - 2:11, 52:9, 52:14, 53:3, 81:17, 87:17, 87:23, 88:20, 91:3, 95:12, 107:22, 108:3, 111:5, 247:19, 247:25
OFFICER [1] - 88:15
officer's [1] - 82:20
officers [23] - 41:5, 44:12, 45:8, 57:12, 70:18, 73:23, 96:17, 113:13, 113:15, 115:21, 119:8, 122:12, 122:20, 153:23, 154:1, 176:24, 177:5, 177:9, 182:14, 183:22, 183:24, 196:8, 239:12
offline [1] - 258:13
often [11] - 39:8, 39:9, 54:12, 141:17, 148:21, 148:24, 150:25, 233:21, 260:15, 260:16
oftentimes [3] - 146:3, 180:1, 211:7
old [1] - 69:24
on-sale [5] - 7:18, 7:19, 7:20, 13:1
once [6] - 5:8, 58:15, 118:23, 125:9, 234:23, 244:7
one [94] - 8:18, 15:1, 16:3, 16:25, 25:13, 28:15, 30:1, 42:15, 46:7, 50:15, 51:16, 53:23, 58:17, 78:2, 83:2, 85:11, 85:21, 85:23, 91:24, 94:17, 94:24, 99:20, 103:17, 108:15, 110:13, 113:16, 116:5, 122:11, 128:13, 129:8, 130:1, 130:3, 132:21, 133:3, 133:11, 133:20, 135:4, 135:23, 141:5, 141:14, 143:2, 143:11, 144:6, 149:12, 156:17, 156:20, 160:22, 163:4, 165:1, 167:16, 168:10, 168:17, 170:15, 170:18, 176:5, 181:6, 186:20, 188:19, 189:6, 193:19, 193:24, 194:5, 195:2, 195:7, 197:18, 197:20, 204:18, 204:19, 206:8, 210:25, 212:21, 213:10, 215:9, 220:6, 221:17, 225:6, 226:5, 226:17, 227:25, 228:4, 230:14, 232:22, 234:14, 235:5, 235:9, 239:1, 242:18, 242:19, 249:20, 253:15, 255:22
one's [1] - 40:21
one-sided [1] - 170:15
one-year [2] - 188:19, 197:18
ones [12] - 32:25, 167:3, 167:4, 167:17, 168:7, 168:24, 188:23, 190:16, 193:16, 193:17, 193:20, 196:21
ongoing [3] - 42:16, 125:4, 126:9
ONLY [1] - 1:12
open [13] - 27:6, 47:17, 47:19, 53:2, 53:19, 63:1, 131:16, 132:2, 133:23, 138:11, 205:21, 240:18
opened [1] - 221:19
opening [1] - 131:23
operate [4] - 25:19, 234:8, 237:19, 243:18
operated [4] - 15:21, 67:25, 237:4, 240:10
operates [4] - 8:25, 83:23, 85:1, 213:21
operating [2] - 233:2, 240:4
operation [6] - 17:24, 33:23, 41:13, 221:20, 226:20, 235:19
operations [7] - 4:3, 32:10, 192:1,

192:17, 193:3, 234:5
operator [4] - 70:16, 204:4, 226:9, 232:23
opinion [11] - 45:1, 46:18, 48:6, 94:19, 94:21, 108:3, 114:23, 128:7, 151:8, 151:11, 153:25
opportunities [1] - 249:4
opportunity [1] - 37:7
option [2] - 28:9, 149:1
options [3] - 10:3, 28:6, 152:3
order [22] - 12:24, 13:22, 19:23, 27:1, 58:20, 58:25, 60:15, 63:25, 118:16, 127:14, 136:20, 136:22, 139:23, 140:17, 154:2, 206:12, 222:1, 229:14, 256:12, 259:6, 259:15, 261:2
orders [1] - 20:20
ordinance [7] - 4:7, 15:25, 26:17, 55:3, 58:15, 62:11, 63:21
ordinances [4] - 58:11, 67:19, 113:12, 160:24
ordinary [1] - 33:6
origin [1] - 149:24
original [4] - 16:3, 124:15, 252:21, 263:8
originally [2] - 148:5, 248:22
otherwise [2] - 190:25, 209:24
Outdoor [1] - 1:3
outfit [2] - 240:12, 252:11
outside [16] - 19:23, 56:8, 60:16, 71:23, 72:6, 76:14, 77:19, 85:2, 133:16, 145:18, 146:5, 211:2, 213:11, 237:23, 241:7, 249:18
over-served [3] - 42:7, 71:9, 124:2
over-service [4] - 6:15, 42:5, 42:12, 123:19
overall [1] - 170:12
overlap [1] - 32:9
overlapping [4] - 120:23, 171:11, 180:15, 223:23
overrule [2] - 96:11, 247:6
overruled [5] - 39:13, 57:20, 108:10, 126:21, 173:5
oversaw [1] - 4:5
oversee [2] - 222:13, 222:15
overseeing [1] - 233:8
overseer [1] - 236:2
oversight [3] - 4:10, 225:7, 229:16
overview [1] - 115:13
own [8] - 22:5, 35:21, 182:20, 204:11, 204:13, 205:9, 205:12, 206:3
owned [2] - 7:7, 9:9
owner [8] - 8:24, 18:21, 24:24, 59:23, 60:14, 92:16, 245:21, 252:21
owners [2] - 4:13, 232:22
ownership [2] - 25:12, 206:4
owns [4] - 8:24, 25:1, 76:3, 76:5

P

P-o-n-d-e-r [1] - 209:4
p.m [6] - 35:3, 44:10, 78:7, 87:15, 156:13, 156:15
pace [1] - 52:2
package [1] - 158:5
packet [1] - 117:4
page [21] - 47:7, 53:24, 55:5, 61:10, 61:11, 66:14, 68:6, 68:14, 68:24, 78:3, 82:7, 117:23, 124:16, 125:1, 126:2, 156:21, 161:1, 175:5, 175:6, 190:14, 197:10
pages [1] - 118:1
paid [6] - 23:20, 28:4, 148:25, 241:22, 243:2, 257:6
Palma [1] - 225:20
PALMER [1] - 1:11
PALMER-DENIG [1] - 1:11
pants [1] - 62:6
Paper [2] - 204:22, 204:23
paper [3] - 101:18, 139:20, 204:23
paragraph [21] - 55:10, 69:16, 70:3, 70:10, 74:21, 76:13, 76:17, 76:18, 76:19, 130:2, 161:2, 180:5, 180:9, 180:21, 197:11, 197:14, 197:16, 199:6, 200:8, 200:9, 201:18
pardon [1] - 76:4
parked [1] - 6:18
parking [5] - 89:4, 89:15, 226:25, 227:1, 237:6
parse [1] - 49:4
part [47] - 29:21, 31:3, 31:9, 31:12, 41:7, 42:10, 48:20, 49:4, 68:19, 69:19, 81:10, 89:17, 90:4, 94:13, 115:6, 115:11, 115:15, 118:2, 118:3, 122:15, 153:13, 153:17, 153:21, 158:4, 164:3, 187:11, 187:18, 196:14, 235:12, 235:15, 248:11, 248:13, 248:14, 249:14, 249:16, 251:4, 252:17, 252:20, 252:22, 254:15, 255:7, 255:8, 255:9, 255:14, 255:15, 255:16, 257:20
particular [18] - 58:1, 58:15, 86:20, 92:2, 102:13, 103:9, 108:21, 116:3, 129:21, 132:16, 133:8, 190:18, 194:24, 201:16, 207:9, 213:6, 213:9, 253:5
particularly [5] - 55:18, 65:17, 113:9, 158:14, 159:21
parties [3] - 19:8, 25:17, 263:12
partner [2] - 91:3, 102:17
parts [1] - 27:21
party [2] - 33:21, 242:21
passed [2] - 144:18, 153:21
past [1] - 59:4
path [1] - 149:20
patient [1] - 215:20
Patio [1] - 1:3
patio [23] - 7:19, 26:23, 61:9, 61:17, 61:25, 62:7, 136:23, 136:25, 145:15, 149:8, 150:16, 173:18, 173:22, 187:11, 187:16, 212:4, 213:1, 219:19, 224:22, 224:25, 225:5, 228:9, 234:21
patrol [12] - 89:12, 105:16, 105:18, 105:25, 106:4, 108:20, 112:11, 112:16, 115:20, 151:16, 151:17
patrolled [1] - 249:13
patrolling [1] - 196:9
patron [1] - 227:19
patrons [6] - 49:11, 160:21, 212:22, 219:17, 240:5, 250:20
pattern [1] - 56:20
Paul [51] - 1:5, 3:8, 3:20, 3:22, 3:23, 4:3, 4:8, 4:21, 9:6, 12:8, 13:15, 32:7, 39:21, 39:23, 40:11, 62:11, 65:24, 68:4, 72:12, 76:10, 76:25, 84:13, 88:21, 89:3, 91:5, 112:8, 112:23, 113:18, 116:1, 117:24, 122:12, 125:6, 154:24, 155:3, 158:23, 160:4, 178:4, 179:12, 181:20, 196:7, 198:1, 198:9, 199:8, 200:15, 201:1, 201:12, 238:19, 240:19, 247:16, 256:6, 259:22
pause [2] - 137:23, 206:7
pawns [1] - 199:20
pay [10] - 28:10, 59:24, 60:1, 60:7, 60:15, 242:10, 242:12, 260:12, 260:22, 261:6
paying [3] - 59:6, 59:15, 242:3
payment [3] - 19:24, 59:15, 140:17
pays [1] - 28:17
PD [1] - 240:19
peace [7] - 70:18, 70:22, 112:7, 162:10, 185:20, 185:23, 201:16
pen [1] - 99:6
penalties [3] - 9:17, 9:18, 10:19
penalty [19] - 8:8, 9:16, 10:22, 10:24, 11:8, 11:21, 28:11, 30:1, 30:18, 30:21, 30:23, 31:3, 31:4, 46:9, 47:22, 50:14, 50:21, 50:25, 119:23
penultimate [1] - 180:7
people [18] - 64:4, 115:4, 116:14, 116:15, 146:6, 148:19, 159:17, 165:18, 165:25, 198:17, 207:20, 207:21, 209:25, 211:15, 219:21, 229:15, 237:21, 237:25
Pepsi [2] - 223:19
per [2] - 13:23, 256:13
percent [5] - 172:24, 176:1, 192:5, 192:16, 193:7
percentage [3] - 149:6, 151:21, 151:22
perfect [2] - 145:5, 230:1
perfection [2] - 62:16, 63:21
perfectly [1] - 63:11
performed [3] - 117:1, 122:25, 127:21
perhaps [2] - 84:25, 156:22
period [5] - 11:5, 16:7, 51:2, 51:7, 188:19
periods [4] - 35:1, 35:2, 156:12, 158:25
permit [1] - 172:21
permits [2] - 15:21, 234:7
permitted [7] - 56:19, 63:4, 142:13, 173:23, 206:22, 228:10, 228:15
permitting [1] - 26:20
person [37] - 15:11,

25:13, 26:20, 33:22, 62:21, 64:1, 65:13, 65:24, 65:25, 92:11, 92:19, 92:21, 103:2, 106:6, 112:18, 116:18, 123:13, 124:2, 124:3, 125:23, 129:8, 135:25, 138:4, 149:12, 149:21, 169:12, 178:20, 185:21, 185:24, 186:1, 201:13, 206:9, 213:18, 222:19, 236:16, 249:5, 254:16
personal [1] - 60:4
personally [1] - 110:7
persons [5] - 13:3, 27:5, 66:2, 114:9, 148:13
perspective [3] - 21:1, 202:15, 218:3
pertain [2] - 12:5, 116:3
ph [3] - 225:18, 225:22, 244:24
ph) [1] - 225:20
phone [5] - 29:3, 92:3, 116:17, 168:11, 187:3
photo [2] - 99:21, 99:22
photos [4] - 98:5, 118:6, 120:4, 120:5
phrase [1] - 259:9
phrased [2] - 200:12, 200:13
physical [2] - 154:21, 176:10
pick [4] - 11:18, 72:2, 72:7, 132:11
picture [14] - 98:8, 98:20, 99:11, 137:22, 138:17, 138:22, 139:9, 139:18, 140:13, 140:15, 140:19, 143:3, 148:7
pictures [3] - 97:17, 97:24, 140:10
piece [3] - 130:3, 196:17, 227:22
pin [1] - 164:22
pistols [1] - 193:22
pivoted [1] - 240:16
pivoting [1] - 240:20
place [38] - 12:23, 12:24, 16:16, 20:21, 20:23, 21:4, 26:12, 26:22, 27:1, 31:5, 32:17, 32:18, 32:22, 50:1, 51:1, 64:14, 64:16, 65:2, 66:5, 77:18, 79:7, 79:13, 79:21, 82:2, 82:5, 96:18, 105:4, 227:16, 236:3, 236:10, 236:11, 240:11, 240:20, 244:4, 248:23, 249:16, 252:12, 252:23
placed [6] - 14:25, 17:3, 19:13, 113:6, 179:19
placement [2] - 13:11, 256:3
placements [1] - 146:13
places [1] - 52:7
plan [41] - 13:11, 13:12, 13:14, 13:20, 94:14, 133:3, 146:9, 146:11, 146:18, 146:24, 146:25, 147:1, 147:2, 147:4, 147:6, 147:12, 147:18, 201:1, 201:14, 230:12, 230:25, 231:3, 231:7, 248:2, 248:9, 248:15, 248:21, 249:16, 252:6, 252:18, 252:20, 252:25, 255:7, 255:8, 255:9, 256:3, 256:4, 256:6, 256:10, 257:17, 257:20
play [8] - 106:3, 132:4, 133:3, 134:10, 135:12, 137:10, 140:6, 221:13
player [2] - 131:23, 132:16
plays [1] - 8:15
pleasant [1] - 226:4
plopping [1] - 75:6
point [36] - 7:11, 24:3, 31:17, 51:21, 85:8, 92:21, 93:23, 135:25, 136:11, 139:11, 139:13, 140:25, 145:2, 145:9, 145:13, 148:2, 149:24, 169:22, 184:24, 185:5, 185:9, 188:3, 199:4, 200:4, 203:23, 207:12, 210:25, 213:17, 214:2, 218:15, 225:6, 225:8, 236:7, 238:17, 244:25
pointed [3] - 42:9, 86:23, 165:18
pointing [2] - 226:23, 226:24
points [3] - 118:18, 225:2, 225:10
Police [23] - 13:15, 32:7, 39:21, 40:11, 76:11, 76:25, 84:13, 88:21, 112:23, 158:23, 160:4, 178:4, 179:12, 181:20, 196:8, 198:9, 199:8, 200:15, 201:1, 201:12, 238:19, 256:7, 259:23
police [70] - 5:15, 22:4, 31:13, 31:23, 32:9, 32:11, 39:23, 40:10, 40:15, 41:4, 41:5, 43:2, 43:5, 44:12, 45:7, 49:17, 49:18, 57:22, 65:25, 71:11, 72:12, 79:16, 80:4, 81:16, 82:14, 85:3, 89:3, 89:6, 90:22, 103:11, 112:21, 113:13, 113:15, 116:7, 116:15, 117:24, 118:3, 118:18, 119:8, 122:12, 124:16, 128:6, 129:15, 154:24, 155:3, 155:6, 158:15, 159:12, 159:16, 165:7, 168:1, 169:13, 176:13, 177:4, 177:5, 179:25, 182:14, 186:5, 186:7, 186:9, 188:10, 188:14, 189:12, 189:13, 196:1, 196:5, 196:13, 196:14, 197:16, 197:20
policy [1] - 179:13
Ponder [10] - 2:18, 209:3, 209:12, 210:13, 220:1, 222:19, 233:16, 236:22, 237:16, 249:15
PONDER [2] - 209:3, 209:7
poor [2] - 181:4, 244:19
pop [2] - 152:11, 233:25
pops [1] - 102:20
portion [7] - 34:4, 69:21, 76:1, 90:18, 90:19, 175:15, 200:9
portions [3] - 46:17, 107:8, 194:18
pose [2] - 21:23, 63:13
position [3] - 112:17, 218:9, 245:2
positions [1] - 233:5
possession [1] - 67:4
possibility [2] - 105:21, 253:24
possible [5] - 79:13, 138:14, 172:10, 172:19, 214:4
possibly [3] - 64:3, 100:19, 177:2
post [1] - 213:17
posted [2] - 212:3, 213:11
posture [1] - 237:18
potential [13] - 5:7, 5:25, 10:19, 29:18, 30:2, 31:18, 32:17, 43:15, 115:9, 123:15, 127:11, 129:9, 161:22
potentially [2] - 122:23, 255:5
pour [1] - 152:12
power [1] - 241:20
practice [7] - 22:3, 56:20, 62:20, 62:25, 168:1, 173:21, 173:24
practices [1] - 197:18
pre [1] - 224:24
pre-shift [1] - 224:24
prefer [4] - 52:19, 133:10, 133:15, 133:17
premise [19] - 13:4, 15:16, 26:21, 27:5, 48:13, 49:10, 49:25, 56:6, 76:2, 129:16, 130:11, 146:1, 146:5, 148:16, 150:25, 154:22, 160:20, 235:3, 237:24
premised [1] - 235:8
premises [52] - 1:4, 6:24, 13:13, 46:5, 46:20, 47:9, 47:13, 47:19, 47:23, 48:1, 48:7, 50:20, 55:21, 57:12, 62:13, 65:16, 72:20, 72:23, 74:23, 74:25, 75:20, 75:22, 76:15, 77:19, 77:24, 82:8, 82:21, 84:8, 91:24, 145:19, 147:9, 171:20, 183:19, 187:12, 187:18, 192:10, 197:22, 223:3, 224:18, 227:24, 228:1, 231:15, 234:16, 234:19, 234:20, 235:2, 235:8, 235:16, 247:1, 252:15, 253:20, 256:5
Prendergast [6] - 7:8, 19:7, 20:4, 21:3, 21:11, 22:11
prepared [1] - 87:22
prescribed [2] - 16:15, 51:2
presence [1] - 182:17
present [3] - 104:17, 104:20, 237:14
presented [1] - 242:18
presents [1] - 170:15
presumably [2] - 75:17, 75:18
pretty [9] - 20:1, 20:2, 54:5, 54:10, 187:9, 207:3, 213:15, 214:24, 219:15
prevent [3] - 27:4, 193:13, 244:7
prevented [1] - 192:21
previous [15] - 4:2, 11:3, 14:18, 14:19, 26:6, 34:6, 45:22, 69:3, 147:7, 157:16, 226:8, 240:11, 241:22, 252:11
previously [4] - 29:17, 73:17, 138:3, 197:5
primarily [3] - 113:4, 222:20, 233:5
primary [6] - 4:9, 4:10, 8:22, 163:20, 212:6, 242:21
printed [1] - 124:7
printout [1] - 158:22
private [2] - 97:13, 97:14
privately [1] - 154:23
proactive [3] - 196:1, 196:5, 196:13

proactively [1] - 196:8
probability [1] - 151:8
problem [4] - 112:13, 214:17, 214:19, 214:21
problems [3] - 17:25, 48:12, 50:2
procedures [2] - 59:22, 197:21
Proceed [1] - 197:12
proceed [9] - 3:10, 28:6, 111:8, 111:20, 203:15, 208:15, 209:6, 221:3, 232:14
proceeded [1] - 236:20
proceeding [2] - 164:12, 190:18
process [11] - 21:20, 25:20, 83:11, 83:20, 84:13, 105:1, 149:4, 244:3, 245:4, 245:19, 252:5
produce [12] - 33:19, 36:24, 44:14, 44:22, 45:2, 104:5, 104:6, 118:16, 157:24, 158:9, 179:24, 256:13
produced [3] - 43:17, 157:25, 158:1
product [2] - 221:23, 246:11
products [4] - 204:24, 222:3, 223:14, 224:22
progress [1] - 44:12
progression [1] - 50:13
project [1] - 4:12
promise [1] - 172:11
promises [1] - 172:22
promoted [2] - 89:6, 112:15
promoting [1] - 233:8
prone [1] - 102:13
pronunciation [1] - 88:9
proof [1] - 174:25
proper [2] - 102:1, 173:7
properly [1] - 251:13
properties [2] - 102:6, 112:14
property [18] - 8:24, 8:25, 18:7, 18:8, 18:20, 24:24, 75:12, 82:10, 82:23, 93:8, 106:21, 106:25, 113:10, 113:16, 128:3, 185:4, 189:21, 236:3
proportion [1] - 188:23
proposed [3] - 16:17, 17:15, 17:23
proposition [2] - 77:15, 77:17
prospective [2] - 4:12, 25:18
protect [1] - 127:14
protected [2] - 127:14, 127:18
protection [1] - 225:4
prove [1] - 63:6
proven [2] - 27:13, 50:16
provide [39] - 4:17, 5:18, 9:24, 13:3, 14:12, 33:19, 37:7, 37:12, 38:21, 50:3, 56:4, 56:5, 56:10, 57:12, 57:16, 67:10, 70:17, 70:21, 71:4, 77:25, 82:9, 82:10, 82:16, 82:22, 82:24, 94:12, 94:14, 113:20, 158:17, 194:12, 195:6, 199:13, 224:20, 239:16, 240:5, 241:10, 247:22, 248:24, 250:23
provided [15] - 38:5, 38:17, 46:15, 56:12, 66:20, 81:9, 114:14, 120:6, 123:24, 129:17, 161:22, 198:15, 202:10, 250:25, 258:9
provides [3] - 16:14, 49:10, 160:20
providing [2] - 57:13, 197:24
provision [3] - 26:17, 58:1, 198:1
provisions [3] - 12:4, 12:7, 12:15
Prusch [1] - 225:22
public [41] - 15:17, 15:23, 45:25, 48:17, 49:11, 57:10, 63:13, 63:15, 90:15, 90:16, 90:17, 90:18, 106:21, 114:22, 114:25, 122:10, 122:11, 124:9, 124:10, 124:13, 124:15, 124:18, 124:21, 125:11, 125:14, 125:24, 126:19, 127:2, 127:19, 151:5, 153:16, 160:21, 171:23, 172:1, 176:11, 199:25, 205:22, 213:22, 230:8, 240:6
Public [3] - 2:5, 263:5, 263:23
pull [5] - 116:6, 130:12, 131:3, 131:7, 144:2
pulled [3] - 143:4, 144:16, 159:6
punched [1] - 186:2
purchase [1] - 141:1
purchased [8] - 140:21, 143:8, 148:23, 232:25, 240:8, 242:12, 245:18, 245:22
purchasing [1] - 245:19
purportedly [1] - 67:3
purposes [1] - 127:15
purview [1] - 85:2
pushing [1] - 53:2
put [27] - 17:17, 19:21, 22:25, 23:1, 45:20, 54:5, 54:10, 68:25, 76:8, 76:14, 84:14, 84:15, 85:9, 94:7, 102:7, 102:9, 102:19, 159:3, 169:15, 191:20, 236:7, 248:23, 249:16, 249:22, 252:23, 261:10, 261:19
putting [2] - 137:6, 253:25

Q

qualified [2] - 168:21, 263:4
qualifier [1] - 179:2
qualify [1] - 195:3
quality [30] - 122:3, 142:3, 159:22, 160:3, 160:7, 161:9, 164:11, 165:14, 166:17, 167:1, 167:6, 167:21, 167:24, 168:2, 168:3, 168:4, 168:7, 168:12, 168:22, 169:6, 170:21, 189:9, 190:3, 190:20, 190:24, 191:8, 191:13, 195:4, 196:6, 197:17
quality-of-life [27] - 159:22, 160:3, 160:7, 161:9, 164:11, 165:14, 166:17, 167:1, 167:6, 167:21, 167:24, 168:2, 168:3, 168:4, 168:7, 168:12, 168:22, 169:6, 170:21, 189:9, 190:3, 190:20, 190:24, 191:8, 195:4, 196:6, 197:17
quality-of-life-type [1] - 191:13
questions [31] - 46:3, 49:4, 61:3, 95:8, 121:16, 121:17, 162:5, 188:2, 188:4, 195:15, 195:16, 195:19, 195:20, 195:22, 196:21, 202:18, 206:12, 208:6, 208:9, 208:12, 208:19, 208:21, 220:1, 228:18, 245:7, 251:24, 254:25, 258:22, 261:23, 261:25
quickly [2] - 107:25, 130:2
quite [5] - 39:8, 54:5, 54:12, 176:6, 237:23
quoted [1] - 55:20

R

radio [4] - 183:21, 215:11, 215:13, 217:2
raised [2] - 16:23, 16:24
raising [1] - 227:5
Ramsey [19] - 2:5, 18:6, 18:13, 18:15, 21:7, 104:17, 104:23, 105:3, 105:10, 105:14, 154:22, 154:25, 155:20, 176:5, 183:16, 186:10, 241:9, 248:24, 263:24
RAMSEY [1] - 263:2
Randall [13] - 1:4, 7:7, 7:13, 8:21, 19:7, 21:3, 21:11, 22:18, 24:17, 130:19, 156:2, 245:20, 246:1
randomly [1] - 91:12
Randy [1] - 242:13
rank [1] - 89:4
ranks [1] - 85:24
Re [1] - 1:2
reached [3] - 244:9, 244:13, 252:7
reaction [1] - 260:19
read [28] - 12:19, 15:4, 35:2, 42:18, 57:15, 58:18, 70:9, 117:10, 122:5, 143:2, 153:14, 153:15, 159:1, 160:12, 161:3, 165:9, 169:18, 175:14, 180:7, 181:13, 181:14, 187:12, 197:12, 199:19, 200:24, 255:20, 255:24
readable [1] - 255:5
reading [3] - 142:16, 178:22, 202:4
reads [2] - 197:16, 259:4
real [6] - 20:17, 130:2, 153:14, 190:7, 197:9, 226:18
realistic [1] - 193:14
really [8] - 16:3, 58:21, 96:5, 96:8, 96:24, 169:20, 174:7, 219:7
rearranged [1] - 225:5
reason [17] - 5:11, 9:24, 107:10, 119:10, 125:3, 128:23, 139:3, 157:20, 159:23, 174:1, 177:6, 178:6, 178:11, 181:23, 181:24, 194:4, 198:14
reasonable [7] - 13:2, 27:4, 62:12, 62:16, 62:18, 62:19, 63:7
reasonably [4] - 56:21, 64:2, 65:7, 65:13
reasons [11] - 14:24, 15:1, 15:3, 60:16, 141:14, 148:21, 159:19, 160:23, 182:12, 194:5, 242:11
receive [4] - 155:23,

194:17, 194:23, 243:23
received [7] - 16:19, 22:17, 34:3, 66:19, 153:1, 194:16, 239:1
receiving [2] - 243:25, 244:8
recently [3] - 14:15, 14:16, 73:5
recess [1] - 87:13
recite [1] - 61:10
recognize [20] - 4:25, 18:24, 19:16, 22:21, 23:6, 33:8, 36:2, 37:16, 38:16, 39:18, 40:9, 68:12, 98:1, 98:4, 122:9, 154:12, 157:10, 158:20, 158:22, 159:2
recollection [8] - 20:8, 80:17, 80:20, 81:5, 81:7, 81:13, 129:23, 176:13
recommend [4] - 28:21, 30:24, 49:22, 146:17
recommendation [8] - 11:7, 11:14, 11:20, 17:2, 17:9, 26:10, 30:20, 30:22
recommendations [3] - 31:13, 146:19, 146:21
recommended [12] - 9:16, 17:12, 18:19, 18:22, 23:15, 28:3, 28:22, 50:16, 76:10, 76:12, 150:15, 154:7
recommending [1] - 11:1
record [22] - 13:23, 18:21, 31:10, 53:4, 68:10, 79:3, 80:10, 80:14, 87:13, 87:15, 88:3, 88:4, 101:12, 111:6, 119:20, 197:3, 202:23, 208:23, 209:2, 220:20, 220:24, 232:7
recorded [2] - 14:2, 256:17
recording [6] - 13:22, 71:25, 206:8, 230:23, 256:12, 263:10
recordings [1] - 256:14
RECROSS [3] - 109:8, 198:23, 255:1
recross [1] - 254:20
Recross [3] - 2:10, 2:13, 2:24
RECROSS-EXAMINATION [3] - 109:8, 198:23, 255:1
Recross-Examination [3] - 2:10, 2:13, 2:24
Red [6] - 172:9, 223:17, 223:20, 223:21
redacted [1] - 125:12
redirect [6] - 107:23, 111:9, 195:19, 220:18, 232:3, 252:1
Redirect [4] - 2:9, 2:12, 2:16, 2:25
REDIRECT [5] - 108:1, 195:23, 197:7, 252:3, 259:2
refer [1] - 37:19
reference [4] - 61:11, 86:13, 141:20, 158:15
referenced [4] - 2:3, 69:2, 199:8, 199:9
references [4] - 200:7, 200:9, 201:8
referencing [1] - 201:15
referred [5] - 65:1, 175:7, 175:9, 230:13
referring [8] - 25:25, 55:2, 78:2, 116:21, 119:16, 163:7, 230:14, 255:4
reflect [1] - 68:25
refresh [5] - 80:5, 80:16, 80:20, 81:14, 129:23
refreshed [1] - 81:5
refuge [1] - 74:3
regarding [6] - 4:9, 29:4, 86:22, 123:12, 158:24, 161:8
regardless [1] - 250:12
regards [1] - 245:1
registered [1] - 165:15
regular [1] - 19:23
regulary [1] - 44:25
regulated [3] - 7:23, 114:19, 115:4
regulation [1] - 67:13
regulations [1] - 58:11
reinvested [1] - 250:11
rejected [3] - 185:11, 187:3, 227:20
relate [5] - 6:7, 31:8, 38:14, 156:17, 190:2
related [24] - 38:21, 56:21, 67:2, 71:4, 75:19, 77:8, 81:19, 114:1, 118:14, 128:10, 165:3, 176:3, 189:3, 189:7, 190:17, 190:21, 191:10, 192:14, 192:17, 194:6, 194:13, 195:5, 243:7
relates [3] - 3:25, 69:17, 179:14
relation [1] - 117:1
relations [1] - 196:10
relationship [4] - 226:12, 244:18, 244:19, 244:23
relative [1] - 263:11
release [2] - 87:21, 138:14
released [2] - 124:20, 127:18
relevance [1] - 39:12
relevant [2] - 38:2, 38:20
remainder [1] - 149:15
remember [9] - 79:17, 101:6, 120:20, 122:18, 124:3, 147:18, 189:1, 192:19, 213:4
remind [1] - 139:5
removed [3] - 69:25, 207:18, 207:19
renewal [1] - 19:24
renewals [1] - 19:24
renowned [1] - 144:19
repair [1] - 6:17
repeat [2] - 70:8, 126:22
repeatedly [2] - 56:5, 56:23
repeatedness [1] - 50:7
rephrase [3] - 30:7, 47:1, 98:6
report [80] - 5:15, 40:10, 40:11, 40:17, 40:19, 41:4, 41:12, 42:23, 43:3, 44:9, 44:11, 44:16, 44:19, 71:12, 74:15, 77:23, 79:16, 79:19, 80:4, 81:18, 82:20, 83:20, 84:4, 84:6, 90:4, 90:13, 90:14, 90:22, 90:25, 94:8, 94:11, 102:4, 102:7, 102:21, 103:8, 103:11, 103:14, 104:25, 105:9, 105:13, 107:2, 107:8, 107:10, 107:16, 107:17, 108:16, 108:18, 108:19, 108:23, 109:1, 110:20, 116:7, 117:25, 118:4, 118:22, 122:11, 122:25, 123:3, 123:12, 124:9, 124:10, 125:3, 125:8, 126:8, 127:21, 128:2, 129:25, 153:16, 154:14, 154:15, 156:25, 158:15, 159:7, 166:25, 175:24, 176:13, 177:5, 183:23, 186:18
reported [1] - 112:19
reporter [1] - 84:2
Reporter's [3] - 24:6, 100:6, 129:1
reporting [13] - 83:23, 84:18, 85:1, 85:9, 85:20, 102:14, 102:17, 102:25, 109:10, 110:9, 110:23, 110:25, 155:21
reports [22] - 31:13, 31:23, 32:1, 32:11, 32:15, 38:24, 49:17, 49:18, 104:22, 105:23, 115:8, 115:20, 116:10, 118:18, 119:7, 124:17, 128:6, 165:7, 177:4, 184:8, 185:5, 185:9
represent [1] - 97:25
representation [3] - 100:2, 166:5, 166:12
represented [1] - 189:13
representing [1] - 15:12
request [67] - 6:23, 8:7, 10:13, 12:11, 34:6, 34:25, 36:4, 36:5, 36:8, 36:16, 36:18, 36:20, 37:14, 38:17, 39:1, 46:16, 49:19, 57:13, 57:14, 71:6, 78:1, 81:10, 82:13, 85:8, 85:13, 85:15, 95:17, 105:20, 116:19, 116:23, 119:21, 123:22, 123:23, 130:5, 130:15, 153:24, 155:25, 156:7, 157:12, 157:20, 157:21, 158:10, 161:23, 179:4, 179:5, 179:20, 179:23, 180:1, 180:3, 181:24, 185:2, 194:9, 194:10, 194:23, 198:13, 198:15, 199:1, 201:22, 238:24, 239:19, 249:13, 251:2, 251:4, 259:18, 259:23
requested [24] - 14:8, 32:1, 32:14, 34:2, 35:6, 39:4, 41:20, 71:17, 82:17, 118:7, 120:9, 155:22, 155:24, 157:2, 157:15, 199:10, 199:21, 238:13, 238:19, 249:19, 250:22, 250:24, 252:8, 256:23
requesting [8] - 32:23, 33:10, 44:20, 128:19, 156:12, 160:4, 179:14, 194:5
requestor [7] - 14:13, 199:14, 199:16, 200:7, 200:13, 201:24, 201:25
requestors [1] - 200:11
requests [6] - 9:21, 45:3, 156:17, 179:8, 200:10
require [5] - 63:21, 67:20, 75:11, 199:19, 249:8
required [12] - 4:21, 4:22, 12:23, 70:16, 70:25, 71:3, 76:14, 84:6, 94:12, 112:24, 113:14, 178:8
requirement [2] - 67:17, 145:22
requirements [10] - 68:18, 75:17, 75:19, 113:6, 113:8, 158:18, 178:7, 179:24, 244:2, 249:18

requires [7] - 56:7, 56:8, 56:10, 62:11, 67:14, 202:3, 234:14
researched [1] - 251:11
reserve [2] - 81:21, 89:3
reserves [1] - 198:13
residential [2] - 115:1, 148:18
residents [2] - 115:1, 151:4
resolution [5] - 23:25, 29:8, 29:11, 68:14, 69:5
Resolution [2] - 29:7, 68:3
resolved [7] - 27:10, 27:11, 27:12, 27:13, 28:8, 28:13, 28:18
resources [2] - 186:5, 197:20
respect [2] - 123:2, 254:13
respectful [1] - 53:17
respectfully [1] - 240:7
respectively [3] - 22:20, 23:4, 31:7
respects [1] - 240:19
respond [9] - 6:3, 95:21, 108:21, 108:22, 115:22, 155:12, 178:10, 227:3, 237:10
responded [11] - 44:10, 81:18, 91:5, 91:16, 154:24, 159:10, 176:25, 183:22, 183:24, 219:2, 219:14
responding [3] - 119:8, 155:11, 169:16
response [5] - 14:17, 38:16, 155:8, 155:9, 239:6
responsibilities [3] - 21:5, 221:21, 222:15
responsibility [9] - 13:2, 69:17, 76:8, 85:2, 114:21, 114:24, 235:11, 235:24, 236:6
responsible [6] - 12:22, 19:8, 33:21, 33:22, 161:17, 242:21
responsive [1] - 244:16
rest [6] - 15:4, 201:18, 202:21, 202:22, 219:5, 219:22
restate [1] - 54:7
restaurant [2] - 225:9, 250:19
restaurants [1] - 222:8
restricted [1] - 75:10
restrictions [5] - 17:5, 103:19, 179:19, 234:11, 234:14
restroom [4] - 97:1, 253:16, 257:23, 257:24
restrooms [5] - 96:19, 207:5, 207:7, 234:24
resubmit [1] - 146:23
result [9] - 14:17, 16:25, 21:21, 48:13, 51:6, 163:19, 195:16, 195:20, 263:13
resulted [1] - 47:22
results [1] - 258:15
retain [2] - 14:2, 256:17
returned [1] - 66:13
returning [1] - 139:23
reverse [1] - 138:9
review [38] - 13:17, 13:18, 31:12, 40:17, 41:23, 43:20, 71:16, 74:15, 90:1, 90:19, 114:16, 115:8, 115:25, 116:2, 116:7, 117:13, 118:17, 127:7, 128:14, 129:7, 130:2, 141:6, 146:21, 147:3, 147:5, 147:12, 167:20, 170:8, 177:14, 177:17, 178:10, 178:19, 183:3, 186:22, 190:2, 201:10, 201:19, 256:9
reviewed [24] - 32:1, 32:11, 32:12, 32:14, 33:1, 39:24, 42:3, 44:1, 122:15, 123:24, 128:4, 128:5, 129:11, 130:23, 134:2, 136:19, 146:11, 146:18, 148:5, 148:7, 153:12, 153:17, 231:1, 248:17
reviewing [8] - 44:15, 44:19, 93:25, 129:8, 130:4, 147:18, 175:15, 175:17
reviews [1] - 201:13
revocation [3] - 51:1, 51:3, 51:5
revolvers [1] - 193:22
rid [1] - 250:9
ridiculous [1] - 241:17
rights [5] - 206:4, 206:5, 206:15, 247:2
rise [2] - 31:19, 158:10
risk [1] - 102:14
RJMP [20] - 1:4, 6:24, 7:6, 7:12, 7:15, 7:17, 20:16, 24:13, 25:3, 31:20, 116:21, 146:8, 147:5, 147:13, 147:19, 231:4, 245:16, 245:21, 255:16
road [2] - 9:25, 41:6
rob [1] - 192:24
robbed [1] - 192:22
Rockstar [2] - 223:17, 223:18
rodeo [1] - 222:5
role [11] - 8:15, 106:3, 201:15, 201:16, 210:10, 221:13, 221:16, 222:14, 232:20, 232:24, 254:12
roll [3] - 94:16, 103:20, 103:21
room [4] - 52:4, 97:13, 97:14
Roseville [1] - 239:10
Ross [1] - 244:24
roughly [3] - 155:10, 239:9, 243:24
round [1] - 195:17
routine [3] - 54:5, 54:10, 54:13
routinely [1] - 260:4
RPR [3] - 1:23, 2:4, 263:23
rule [1] - 27:19
rules [1] - 16:1
rum [1] - 51:10
run [3] - 18:6, 189:19, 243:20
running [1] - 52:23
runs [1] - 52:12

S

S-e-l-b-i-t-s-c-h-k-a [1] - 254:10
S-p-e-a-r-m-a-n [1] - 232:10
safe [17] - 21:9, 37:21, 49:10, 121:4, 160:21, 193:3, 212:24, 214:6, 214:9, 222:2, 224:20, 237:7, 237:25, 240:5, 241:10, 250:12, 261:17
safely [1] - 237:22
safety [10] - 15:17, 15:23, 45:25, 48:17, 63:13, 63:15, 141:14, 212:8, 213:23, 240:23
Safety [17] - 5:16, 13:16, 19:1, 19:13, 112:20, 114:5, 114:14, 115:7, 116:16, 118:8, 118:9, 120:10, 198:12, 200:14, 201:7, 251:19, 256:8
sake [1] - 70:2
sale [5] - 7:18, 7:19, 7:20, 13:1
Sale [3] - 1:2, 1:2, 1:3
sales [4] - 7:19, 114:8, 114:23
salon [4] - 101:18, 110:18, 110:20, 205:1
salon-type [1] - 205:1
sat [1] - 225:25
satisfactory [1] - 36:7
satisfied [5] - 36:5, 36:17, 36:18, 36:21, 157:22
satisfy [1] - 37:14
Saturday [10] - 35:3, 156:13, 156:16, 157:4, 211:9, 211:10, 211:13, 211:14, 211:16, 211:23
saw [9] - 47:11, 91:23, 137:2, 138:3, 148:10, 149:12, 174:4, 175:25, 240:15
SCAMP [2] - 18:6, 18:14
scene [6] - 92:3, 94:13, 102:16, 164:1, 176:25, 237:10
schedule [1] - 229:14
Schmitz [4] - 1:23, 2:4, 263:3, 263:23
SchmitzCourtReporting@gmail.com [1] - 1:24
school [1] - 84:5
scope [1] - 67:24
scramble [1] - 236:19
scrambling [1] - 236:18
screen [6] - 131:8, 135:19, 138:24, 143:4, 145:2, 231:11
screening [1] - 159:8
screenshot [3] - 18:5, 18:25, 19:10
scrutiny [1] - 114:25
SEAL [1] - 263:15
search [3] - 109:25, 212:19, 212:21
seat [1] - 141:10
seated [5] - 3:4, 88:2, 209:1, 220:23, 232:7
Seats [1] - 1:2
second [14] - 8:21, 10:24, 26:25, 132:21, 133:20, 157:21, 168:17, 180:8, 180:21, 199:5, 228:4, 230:7, 235:5, 249:20
seconds [1] - 130:14
Section [2] - 12:18, 15:13
section [2] - 15:9, 161:2
security [71] - 62:21, 65:6, 65:12, 66:2, 74:4, 104:20, 107:4, 144:12, 148:13, 148:19, 148:22, 149:1, 209:17, 209:18, 210:5, 210:6, 210:7, 210:19, 210:20, 210:23, 211:3, 211:16, 211:18, 211:21, 212:1, 212:7, 212:19, 213:11, 214:2, 214:12, 215:7, 215:9, 215:12, 217:5, 217:21, 218:3, 218:9, 218:19, 219:1, 219:16, 221:25, 222:14, 222:17, 222:18, 222:20, 225:2, 230:12, 230:25, 231:22, 233:17, 236:9, 236:17, 236:23,

237:3, 237:13, 237:18, 237:24, 239:13, 241:5, 241:7, 241:12, 241:14, 241:18, 248:2, 248:21, 248:24, 249:9, 252:12, 252:22, 255:7
Security [1] - 211:6
see [56] - 39:8, 41:1, 42:21, 51:25, 55:7, 61:17, 78:11, 90:22, 91:25, 92:19, 93:13, 93:14, 99:20, 100:12, 106:1, 112:3, 116:2, 123:25, 124:6, 128:15, 128:17, 129:22, 132:5, 132:7, 132:23, 134:5, 135:15, 135:22, 137:14, 138:20, 138:21, 140:24, 142:1, 144:25, 148:13, 148:14, 149:5, 150:25, 152:6, 166:21, 168:10, 168:20, 178:19, 180:23, 184:4, 200:16, 213:1, 223:19, 227:12, 231:10, 251:12, 259:6, 259:9, 260:18, 261:16
seeing [3] - 123:6, 124:3, 140:23
seek [1] - 74:2
seem [1] - 79:17
Selbitschka [2] - 254:5, 254:6
self [2] - 96:13, 96:16
self-trained [1] - 96:13
self-training [1] - 96:16
sell [6] - 142:13, 223:12, 228:2, 228:5, 228:10, 228:15
sells [1] - 204:23
send [2] - 252:9, 252:25
Senior [2] - 154:16, 186:18
senior [1] - 177:16
sense [7] - 137:4, 187:15, 191:15, 196:14, 219:6, 233:22, 249:14
sensitive [1] - 72:1
sent [16] - 9:21, 10:8, 10:12, 33:9, 33:12, 33:15, 33:17, 33:20, 36:3, 115:19, 251:2, 251:6, 251:12, 251:14, 252:24, 253:2
sentence [13] - 83:1, 175:12, 180:8, 180:22, 180:23, 199:4, 199:6, 200:11, 200:12, 201:15, 201:23, 259:7, 259:11
separate [2] - 29:24, 47:7
separately [2] - 118:24, 118:25
separates [1] - 234:24
September [1] - 263:15
sequential [1] - 136:20
sequentially [1] - 121:24
Sergeant [35] - 2:14, 21:13, 31:23, 32:3, 32:6, 40:14, 41:23, 77:22, 82:19, 85:18, 111:10, 111:11, 112:1, 121:3, 133:10, 134:1, 138:18, 138:20, 144:16, 151:15, 162:10, 175:18, 187:21, 199:5, 201:2, 201:5, 212:25, 222:24, 223:7, 230:13, 230:15, 248:18, 248:19, 252:7, 252:24
SERGEANT [1] - 111:21
sergeant [5] - 32:6, 112:23, 113:3, 115:23, 196:25
serious [32] - 14:4, 14:8, 15:17, 21:22, 45:4, 48:17, 57:9, 57:16, 57:21, 71:3, 72:15, 72:19, 94:18, 94:22, 95:14, 95:17, 95:19, 95:25, 96:2, 96:10, 105:2, 178:25, 182:8, 182:13, 182:15, 182:22, 183:4, 183:14, 190:7, 247:21, 256:19, 256:22
seriousness [5] - 78:1, 78:21, 155:14, 178:12, 182:18
serve [10] - 51:6, 51:12, 51:13, 51:14, 141:12, 141:15, 151:22, 152:9, 223:8
served [8] - 42:6, 42:7, 49:18, 71:9, 124:2, 130:10, 141:13, 141:17
serves [2] - 12:8, 27:8
Service [1] - 1:3
service [25] - 6:15, 8:10, 39:22, 42:5, 42:12, 78:5, 78:9, 78:24, 79:23, 89:18, 91:5, 102:12, 102:24, 114:23, 115:22, 123:19, 136:24, 136:25, 141:16, 155:18, 158:24, 159:9, 161:9, 175:20, 197:17
services [3] - 22:1, 221:25, 222:3
set [2] - 54:18, 207:24
sets [2] - 14:23, 182:8
setup [1] - 25:9
seven [3] - 211:1, 227:9, 233:24
Seven [1] - 222:10
seventh [1] - 3:21
several [4] - 135:6, 142:6, 175:19, 224:14
shall [9] - 13:1, 14:5, 14:9, 14:11, 14:20, 178:24, 199:13, 256:20, 256:23
share [4] - 22:2, 81:24, 126:9, 205:24
shared [1] - 101:21
sheet [4] - 117:24, 122:10, 124:10, 153:15
sheriff [6] - 104:17, 176:5, 183:17, 184:10, 216:6, 227:19
Sheriff [1] - 105:3
Sheriff's [6] - 21:7, 104:24, 105:10, 105:14, 154:22, 155:20
sheriff's [1] - 216:3
sheriffs [3] - 154:25, 155:4, 241:9
shift [2] - 115:21, 224:24
shirt [1] - 144:6
shocked [1] - 218:6
shoes [2] - 61:8, 61:16
shooter [1] - 216:8
shooting [18] - 65:1, 73:22, 86:2, 86:20, 86:22, 87:3, 165:23, 215:22, 216:2, 216:12, 216:24, 219:14, 220:6, 220:9, 227:15, 236:14, 237:11, 250:17
shops [1] - 205:22
shortly [4] - 21:2, 65:5, 66:5, 92:4
shot [10] - 42:25, 65:14, 74:2, 200:23, 217:5, 217:22, 218:18, 219:3, 236:16, 237:17
shotgun [1] - 193:23
shots [3] - 42:25, 258:4, 258:5
show [9] - 72:12, 80:9, 93:12, 98:8, 102:14, 106:10, 153:1, 181:20, 229:15
showed [21] - 36:12, 47:15, 49:19, 78:17, 79:2, 79:8, 79:16, 80:4, 92:15, 93:10, 97:17, 148:9, 176:14, 176:22, 177:1, 177:6, 177:9, 184:4, 194:10, 238:9, 239:13
showing [2] - 90:12, 97:24
shown [2] - 66:20, 158:3
shows [4] - 19:4, 19:11, 102:24, 103:1
shut [2] - 227:6, 245:22
sic [8] - 9:3, 43:18, 44:25, 89:19, 195:16, 199:1, 201:22, 249:5
sic] [1] - 253:17
side [6] - 41:6, 65:2, 121:4, 144:22, 207:22, 226:25
sided [1] - 170:15
Sierra [1] - 223:20
sight [1] - 224:21
sign [2] - 243:4, 243:9
signature [2] - 68:6, 243:11
signed [8] - 23:23, 24:11, 24:17, 25:4, 25:16, 68:8, 257:6, 257:9
signer [1] - 234:7
significant [2] - 115:23, 148:3
similar [1] - 154:8
simultaneous [3] - 24:7, 100:7, 129:2
singles [1] - 110:25
sit [5] - 79:17, 82:1, 120:17, 260:7, 260:11
sits [1] - 101:15
situation [2] - 218:5, 218:24
situations [3] - 62:24, 218:22, 226:11
six [5] - 224:11, 227:9, 229:21, 229:22, 233:24
sixty [2] - 249:23, 249:24
Skarda [35] - 2:8, 2:9, 2:11, 2:12, 2:14, 2:16, 2:19, 2:21, 2:23, 2:24, 3:10, 24:7, 26:1, 46:23, 53:1, 80:21, 80:23, 87:16, 87:22, 88:14, 107:24, 111:7, 111:20, 150:20, 188:4, 195:18, 202:21, 208:12, 208:15, 220:3, 228:21, 243:16, 245:8, 254:20, 261:24
SKARDA [134] - 3:15, 12:1, 18:2, 26:2, 26:3, 27:22, 27:23, 28:25, 30:8, 30:10, 31:11, 34:16, 34:18, 34:20, 34:22, 35:13, 38:13, 39:6, 39:16, 40:7, 41:19, 43:12, 44:6, 45:13, 47:2, 47:3, 49:3, 49:12, 51:15, 51:17, 53:2, 57:18, 76:20, 76:23, 79:9, 80:11, 80:25, 81:8, 86:15, 86:17, 87:24, 88:19, 89:22, 89:24, 89:25, 90:7, 90:11, 93:5, 94:25, 95:2, 95:7, 96:3, 98:24, 107:25,

108:2, 108:14, 109:4, 111:11, 111:25, 119:12, 120:3, 120:12, 121:21, 124:24, 125:19, 125:25, 126:12, 126:23, 128:12, 129:6, 131:2, 131:7, 131:15, 131:22, 132:5, 132:9, 132:13, 132:17, 133:1, 133:4, 133:9, 133:20, 133:25, 136:6, 136:16, 137:18, 137:20, 139:1, 139:3, 139:7, 142:25, 143:11, 143:14, 145:6, 145:10, 150:21, 151:14, 152:1, 152:15, 153:7, 153:8, 162:5, 171:15, 172:25, 173:6, 181:1, 181:6, 195:21, 195:24, 196:17, 197:8, 198:19, 202:22, 208:17, 220:5, 220:16, 228:23, 228:25, 230:24, 231:25, 238:15, 245:10, 245:12, 246:21, 247:9, 248:8, 250:7, 251:23, 254:5, 254:9, 254:21, 255:2, 258:18, 262:1
Skarda's [1] - 196:20
skills [1] - 144:20
skimming [1] - 137:25
skipped [1] - 246:22
SKUs [2] - 223:14, 224:11
smaller [4] - 188:23, 192:12, 233:6, 233:7
snap [1] - 137:21
snippet [5] - 141:23, 142:8, 143:4, 144:16, 147:24
snippets [1] - 251:14
snippy [1] - 134:14
snips [2] - 149:15, 150:2
so.. [1] - 132:2
sobriety [1] - 12:24
soda [1] - 152:10
sodas [1] - 152:8
software [3] - 18:6, 19:1, 19:11
sold [1] - 115:2
solutions [1] - 53:19
someone [15] - 48:14, 48:15, 75:12, 105:20, 125:2, 128:18, 191:12, 213:17, 216:2, 217:5, 217:22, 218:18, 237:17, 253:24, 254:8
sometimes [8] - 30:9, 116:18, 126:17, 126:24, 146:3, 198:16, 229:10, 233:24
somewhat [1] - 7:22
somewhere [5] - 97:14, 98:20, 98:21, 99:19, 185:4
sorry [40] - 15:14, 19:15, 22:25, 23:2, 32:6, 35:22, 46:14, 47:17, 56:12, 61:12, 72:10, 79:20, 89:20, 92:24, 99:18, 100:9, 106:22, 126:8, 126:22, 139:1, 140:15, 144:19, 159:11, 168:8, 171:3, 174:8, 177:18, 180:13, 180:19, 180:24, 185:8, 187:14, 215:3, 215:4, 220:8, 243:13, 250:4, 260:10
sort [4] - 40:4, 51:24, 62:19, 193:4
sounds [5] - 22:8, 93:17, 176:15, 185:13, 194:15
Source [2] - 204:22, 204:23
south [1] - 143:19
Southeast [1] - 222:9
southwesterly [1] - 145:17
space [4] - 102:1, 207:9, 228:9, 239:12
spaces [1] - 205:14
SPEAKER [1] - 216:5
speakers [4] - 120:24, 171:12, 180:16, 223:24
speaking [4] - 53:11, 156:18, 230:10, 236:2
speaks [1] - 200:17
SPEARMAN [2] - 232:9, 232:15
Spearman [36] - 2:22, 9:1, 23:24, 24:12, 24:14, 25:5, 37:19, 37:21, 37:24, 53:12, 53:14, 68:8, 92:22, 93:6, 104:3, 104:10, 104:13, 106:10, 130:18, 130:21, 147:2, 147:4, 147:9, 156:1, 157:23, 158:1, 232:9, 232:10, 232:20, 238:3, 245:6, 245:13, 252:5, 258:24, 262:3
Spearman's [2] - 9:2, 243:11
specific [6] - 26:18, 35:1, 46:7, 86:5, 178:11, 206:25
specifically [2] - 55:18, 82:6
specify [1] - 253:5
spectrum [1] - 21:19
speculation [3] - 108:9, 247:4, 247:13
spell [6] - 3:4, 88:2, 209:1, 220:23, 232:8, 254:8
spelled [1] - 111:18
spend [1] - 135:4
spent [6] - 151:15, 151:17, 163:3, 176:6, 241:12, 241:14
spilled [1] - 213:3
spoken [1] - 244:20
spot [2] - 184:9, 184:15
SPPD [16] - 5:18, 13:15, 14:5, 14:6, 14:8, 77:23, 82:20, 180:22, 200:2, 200:8, 200:10, 201:25, 256:7, 256:19, 256:21, 256:23
SPPD's [2] - 238:24, 259:17
squad [1] - 155:11
squads [5] - 44:10, 155:12, 176:14, 176:16, 176:22
ss [1] - 263:1
St [51] - 1:5, 3:8, 3:20, 3:22, 3:23, 4:3, 4:8, 4:20, 9:6, 12:8, 13:15, 32:7, 39:20, 39:23, 40:11, 62:11, 65:24, 68:4, 72:12, 76:10, 76:25, 84:13, 88:21, 89:3, 91:5, 112:8, 112:23, 113:18, 116:1, 117:24, 122:12, 125:6, 154:24, 155:3, 158:23, 160:4, 178:4, 179:12, 181:20, 196:7, 198:1, 198:9, 199:8, 200:15, 201:1, 201:12, 238:19, 240:19, 247:15, 256:6, 259:22
staff [25] - 14:10, 19:22, 23:18, 28:1, 28:2, 37:10, 44:13, 74:4, 82:21, 91:25, 104:3, 104:5, 104:8, 185:11, 185:14, 185:19, 219:1, 219:8, 221:23, 224:19, 233:9, 237:3, 239:1, 250:20, 256:24
staged [1] - 62:21
stamp [4] - 135:9, 137:13, 142:16, 147:24
stance [1] - 218:19
stand [2] - 52:15, 139:12
standard [9] - 11:8, 11:14, 11:16, 11:20, 17:4, 17:25, 33:24, 179:7, 182:8
standing [4] - 98:12, 144:8, 173:13, 242:24
stands [2] - 163:10, 224:7
start [18] - 3:18, 4:14, 52:14, 53:10, 53:23, 61:13, 117:17, 121:23, 133:15, 133:21, 162:23, 167:18, 176:4, 229:9, 229:10, 229:11
started [3] - 89:3, 133:18, 185:3
starting [2] - 222:7, 250:16
starts [2] - 180:22, 197:14
state [12] - 3:4, 55:2, 55:14, 55:15, 55:16, 56:7, 67:13, 88:2, 209:1, 220:23, 232:8, 263:6
State [1] - 2:5
STATE [1] - 263:1
statement [2] - 160:25, 161:8
statements [2] - 227:6, 250:15
states [8] - 9:15, 12:21, 13:1, 13:9, 14:15, 14:20, 18:7, 186:20
stating [1] - 36:4
stationed [2] - 225:2, 231:22
status [1] - 260:25
statute [6] - 55:2, 55:14, 55:15, 55:17, 55:19, 67:13
statutes [2] - 58:11, 67:19
Steakhouse [1] - 222:11
stenotype [1] - 263:8
step [2] - 128:13, 202:20
steps [3] - 13:3, 27:4, 62:12
stick [3] - 200:22, 208:8, 208:11
sticker [1] - 98:24
stickers [1] - 99:1
sticking [1] - 259:4
still [19] - 51:12, 52:6, 53:7, 64:14, 81:20, 109:1, 118:6, 120:7, 140:2, 140:9, 141:20, 150:15, 167:11, 174:20, 188:6, 194:3, 207:15, 242:15, 248:24
stills [1] - 153:2
stipulate [2] - 152:17, 152:25
stock [1] - 223:14
stock-keeping [1] - 223:14
stop [8] - 21:10, 27:19, 52:3, 135:16, 135:17, 136:7, 173:21, 249:1
Stop [1] - 222:11
stopped [2] - 73:11, 249:3
stopping [1] - 196:9
store [4] - 14:22, 101:18, 204:23, 205:5
street [10] - 6:18, 20:24, 112:14,

115:23, 178:17, 213:3, 225:21, 231:19, 231:21, 234:20
street-level [1] - 112:14
strike [3] - 38:9, 69:24, 258:7
strike-through [1] - 69:24
structure [1] - 234:22
stubborn [1] - 240:22
stuck [2] - 148:12, 172:20
stuff [1] - 108:24
subject [2] - 13:6, 157:18
submission [1] - 82:13
submit [6] - 13:14, 16:16, 38:6, 146:9, 200:25, 256:5
submitted [7] - 34:7, 147:2, 147:12, 167:7, 248:9, 248:15, 248:22
subpoena [1] - 87:21
subpoenaed [1] - 87:18
Subsection [1] - 12:25
subsequently [1] - 251:7
substance [1] - 48:8
substitute [1] - 261:11
substituted [1] - 82:25
successful [3] - 149:23, 149:24, 222:4
sufficient [1] - 147:6
Sugar [1] - 223:17
Sugar-Free [1] - 223:17
suggest [5] - 57:15, 129:15, 146:23, 178:23
suggesting [1] - 179:6
suggests [1] - 240:3
sum [1] - 117:9
summarize [6] - 15:2, 15:3, 18:18, 29:9, 49:13, 193:4
summary [5] - 29:10, 115:19, 115:24, 118:11, 118:17
summer [1] - 22:13
Summit [1] - 9:4
Sunday [11] - 1:2, 7:19, 35:4, 35:11, 35:14, 78:10, 78:14, 78:18, 106:13, 156:14, 238:10
Sundays [1] - 229:11
supervisor [2] - 112:17, 115:24
supervisors [1] - 183:1
support [8] - 4:19, 21:4, 54:16, 59:17, 151:12, 160:24, 161:13, 197:25
supported [2] - 71:15, 162:21
supports [8] - 15:6, 15:9, 15:15, 15:19, 55:3, 55:13, 56:3, 57:8
suppose [3] - 58:4, 82:25, 170:17
surely [1] - 105:2
surprise [1] - 78:13
surrender [1] - 76:24
surveillance [47] - 13:10, 13:12, 13:14, 13:20, 13:21, 13:24, 14:3, 14:5, 14:7, 14:12, 32:2, 33:11, 34:12, 49:19, 76:24, 94:14, 118:7, 120:8, 128:5, 178:9, 179:14, 197:23, 199:14, 201:1, 201:14, 248:9, 248:14, 252:6, 252:17, 252:20, 252:25, 255:8, 255:9, 256:2, 256:4, 256:6, 256:10, 256:11, 256:14, 256:18, 256:20, 256:22, 257:17, 257:20, 259:5, 260:5, 261:1
Sushi [1] - 222:11
suspect [3] - 45:10, 84:15, 141:6
suspect's [1] - 107:7
suspected [4] - 66:13, 66:15, 66:18, 174:22
suspects [1] - 146:5
suspension [2] - 17:22, 50:23
sustain [4] - 27:20, 30:6, 46:25, 81:12
sustained [7] - 79:11, 125:22, 129:5, 136:13, 150:19, 151:13, 151:25
SWAT [1] - 112:12
swear [2] - 120:20, 121:3
sweatshirt [2] - 135:20, 136:10
swore [1] - 120:21
sworn [10] - 3:12, 88:16, 111:22, 120:13, 125:6, 197:5, 203:17, 209:8, 221:5, 232:16
system [20] - 13:21, 38:19, 83:24, 85:1, 85:9, 93:9, 155:21, 163:23, 169:11, 236:8, 251:6, 252:12, 252:22, 259:12, 259:14, 260:5, 261:1, 261:18, 261:20
systems [2] - 4:6, 261:15

T

talkie [1] - 236:19
talks [1] - 161:15
target [2] - 84:20, 84:22
teachers [1] - 84:5
team [7] - 112:12, 211:3, 212:7, 221:25, 224:24, 231:22, 236:17
technically [1] - 139:25
technology [2] - 14:9, 256:24
ten [9] - 104:13, 106:11, 177:1, 177:5, 219:4, 219:11, 219:14, 239:9
tenants [5] - 101:21, 205:9, 205:14, 205:24, 206:15
tendency [1] - 52:24
tense [1] - 237:20
term [2] - 75:11, 191:17
terms [3] - 76:13, 133:6, 205:12
terrible [6] - 34:17, 34:18, 217:1, 217:20, 226:15
testified [30] - 3:12, 24:25, 27:9, 29:17, 32:12, 40:16, 47:21, 86:21, 88:16, 111:22, 127:25, 130:24, 138:3, 152:19, 174:6, 190:17, 199:21, 203:17, 209:8, 212:25, 221:5, 223:7, 225:12, 232:16, 239:15, 242:3, 247:20, 249:16, 249:25, 259:21
testify [4] - 73:6, 81:16, 230:15, 247:7
testifying [4] - 26:5, 35:18, 92:25, 197:6
TESTIMONY [1] - 1:12
testimony [33] - 36:15, 36:19, 38:8, 59:10, 59:14, 59:18, 67:2, 81:23, 87:20, 96:20, 137:6, 157:23, 189:12, 194:8, 212:12, 213:4, 216:21, 217:9, 222:24, 223:2, 223:9, 235:18, 235:21, 236:22, 236:25, 238:11, 241:25, 242:6, 247:24, 250:21, 250:25, 257:16, 257:19
Testimony [1] - 2:2
text [2] - 19:17, 70:4
THAT [1] - 263:3
THE [18] - 89:23, 101:5, 104:1, 111:17, 120:22, 121:14, 121:18, 136:15, 181:10, 187:22, 187:25, 197:2, 208:7, 208:10, 208:13, 208:19, 208:22, 232:1
theft [1] - 168:3
theirs [1] - 205:15
themselves [3] - 159:15, 159:18, 160:2
thereafter [1] - 21:2
they've [1] - 238:6
thinking [1] - 193:1
third [5] - 8:23, 9:3, 27:3, 132:20, 132:22
thirty [1] - 167:16
thirty-one [1] - 167:16
thousand [6] - 8:7, 11:8, 12:9, 50:14, 50:17, 89:21
thousand-dollar [4] - 8:7, 11:8, 12:9, 50:14
threat [1] - 21:23
threatening [1] - 227:5
three [17] - 24:21, 25:10, 38:20, 68:14, 97:24, 131:11, 132:19, 145:7, 164:19, 166:22, 190:11, 204:20, 204:21, 219:18, 219:19, 219:21
three-page [1] - 68:14
threw [1] - 66:14
throughout [2] - 20:21, 225:9
throw [1] - 149:2
thumb [3] - 239:21, 239:22, 239:23
tied [2] - 105:11, 155:21
title [1] - 191:20
titled [1] - 154:16
today [8] - 6:10, 6:22, 29:16, 29:20, 92:19, 116:19, 119:11, 141:15
together [8] - 23:1, 128:23, 129:7, 137:7, 159:3, 159:6, 211:7
tomorrow [1] - 50:20
took [28] - 20:23, 21:4, 25:22, 25:23, 26:8, 26:12, 26:22, 31:5, 32:17, 32:21, 44:18, 65:2, 66:5, 79:7, 79:13, 79:20, 82:2, 82:4, 96:18, 105:4, 120:5, 134:14, 137:7, 138:17, 140:3, 150:2, 227:16, 239:12
tool [1] - 137:25
top [3] - 62:6, 167:18, 197:10
tornado [1] - 64:4
toss [1] - 170:11
totally [2] - 93:1, 254:21
tough [2] - 159:1, 181:5
tour [2] - 115:19, 115:23
towards [8] - 86:23, 97:10, 106:25, 143:8, 143:12, 143:18, 145:16, 245:3
track [2] - 150:7, 194:15
tracking [2] - 141:24,

144:24
Tracy [4] - 1:23, 2:4, 263:3, 263:23
Trade [2] - 204:22, 205:4
traffic [1] - 189:18
trained [5] - 95:18, 95:20, 96:13, 221:24, 224:19
training [8] - 44:21, 96:7, 96:9, 96:16, 151:7, 151:20, 152:5, 152:7
transaction [1] - 139:17
transcribed [1] - 2:4
TRANSCRIPT [1] - 1:9
transcript [1] - 2:1
transfer [1] - 25:12
transferable [1] - 25:13
transmission [1] - 183:21
transportation [1] - 4:6
trash [9] - 148:14, 148:20, 148:21, 149:3, 173:16, 213:1, 213:12, 213:13, 213:15
treated [2] - 30:14, 30:16
treating [1] - 30:19
trial [1] - 127:15
trick [1] - 60:10
tried [5] - 142:5, 155:19, 185:10, 236:11, 258:12
trouble [1] - 117:6
true [58] - 27:14, 53:12, 53:13, 59:23, 59:25, 60:14, 62:4, 63:9, 63:10, 63:16, 63:17, 64:19, 67:15, 67:25, 68:15, 68:16, 69:18, 69:19, 71:1, 71:2, 71:13, 71:14, 72:20, 72:21, 73:25, 74:13, 74:25, 75:7, 76:9, 77:7, 77:20, 78:18, 78:20, 79:18, 96:15, 103:8, 104:7, 104:14, 109:14, 110:14, 111:1, 149:11, 165:15, 165:16, 165:19, 166:3, 170:2, 170:16, 173:14, 174:17, 175:21, 175:23, 178:7, 181:19, 187:1, 247:19, 263:7
truth [1] - 242:19
try [2] - 30:9, 143:23
trying [14] - 30:8, 46:23, 49:4, 60:9, 93:7, 93:19, 137:19, 138:13, 138:17, 139:8, 180:24, 194:15, 200:20, 250:8
turn [20] - 8:2, 27:24, 28:5, 29:13, 47:4, 48:18, 117:18, 125:10, 153:9, 154:10, 160:8, 161:1, 180:4, 185:19, 198:2, 199:20, 240:11, 247:11
turned [3] - 135:21, 165:18, 248:5
tussle [1] - 176:10
twelve [9] - 211:1, 219:4, 219:11, 219:12, 236:23, 237:4, 237:8, 241:3
two [19] - 25:16, 27:21, 34:23, 34:24, 36:9, 74:14, 84:8, 89:21, 93:14, 101:6, 114:5, 132:20, 144:5, 157:15, 219:16, 236:9, 243:24, 251:12
type [13] - 39:7, 45:14, 45:20, 91:10, 108:22, 149:9, 167:20, 184:1, 191:13, 196:10, 205:1, 217:25, 226:15
typed [1] - 157:13
types [10] - 6:6, 45:17, 83:15, 89:9, 113:8, 152:9, 154:8, 159:24, 161:11, 190:7
typical [3] - 115:17, 145:21, 211:9
typically [9] - 5:9, 11:16, 17:4, 17:6, 62:24, 72:4, 124:15, 141:13, 152:6

U

ultimate [1] - 33:21
ultimately [4] - 17:10, 33:22, 192:7, 195:4
unable [11] - 44:14, 77:25, 82:8, 82:22, 82:24, 93:15, 153:23, 239:19, 242:22, 247:21, 247:24
unaffiliated [1] - 87:3
unaware [2] - 246:5, 247:8
uncooperative [1] - 238:3
under [36] - 3:12, 4:22, 10:20, 11:10, 12:2, 14:24, 19:20, 29:23, 30:11, 30:13, 30:14, 30:16, 31:3, 46:5, 56:16, 58:14, 67:22, 78:3, 82:17, 88:16, 111:22, 121:5, 121:6, 121:8, 121:12, 175:13, 181:19, 182:5, 197:6, 197:25, 203:17, 209:8, 221:5, 232:16, 255:18, 257:11
underage [2] - 48:14, 114:8
underlined [1] - 181:12
undersigned [1] - 263:4
understood [2] - 174:5, 260:25
unfair [1] - 167:9
unfortunately [2] - 155:23, 158:2
unfounded [8] - 123:8, 128:11, 167:10, 167:12, 170:3, 170:10, 190:23, 191:4
unit [2] - 89:12, 112:13
units [1] - 223:14
unless [1] - 5:10
unnerving [1] - 92:25
unreasonably [1] - 15:22
unsafe [1] - 49:23
up [50] - 13:25, 27:21, 29:14, 52:16, 72:2, 72:7, 72:12, 78:17, 79:2, 79:8, 85:24, 89:4, 92:15, 94:1, 94:6, 102:20, 106:10, 116:7, 117:9, 128:13, 130:12, 130:14, 131:3, 131:7, 131:16, 131:23, 133:23, 135:25, 137:12, 139:12, 143:3, 148:25, 153:4, 156:3, 176:14, 176:23, 177:1, 177:6, 177:10, 181:20, 183:23, 189:4, 189:9, 210:16, 212:20, 221:19, 234:3, 238:9, 241:19, 250:17
up-to-date [1] - 13:25
updated [1] - 256:15
upgraded [2] - 261:18, 261:21
upper [1] - 137:12
upward [4] - 11:15, 30:2, 30:20, 30:24
urination [1] - 151:5
usage [2] - 206:1, 206:16

V

vague [1] - 30:4
vaguely [3] - 83:22, 84:3, 155:19
variance [1] - 65:10
varies [1] - 229:10
variety [4] - 6:5, 60:16, 159:13, 159:19
various [4] - 53:19, 110:2, 222:8, 243:19
vary [1] - 229:8
vehicle [1] - 48:16
vehicles [1] - 146:5
venue [1] - 241:10
venues [2] - 233:6, 233:7
verbatim [1] - 15:4
version [1] - 69:24
versus [1] - 182:22
victim [13] - 91:7, 91:9, 91:22, 92:6, 103:1, 103:10, 215:22, 216:13, 216:24, 219:14, 220:7, 220:9
Victoria [4] - 65:14, 207:3, 231:20, 254:17
video [198] - 13:10, 13:11, 13:14, 13:19, 13:21, 13:24, 14:2, 14:3, 14:5, 14:7, 14:12, 32:13, 32:14, 32:16, 32:19, 32:23, 33:10, 34:2, 34:4, 34:7, 34:25, 35:6, 35:23, 36:4, 36:5, 36:7, 36:16, 36:24, 38:22, 39:4, 41:20, 41:23, 42:4, 43:16, 43:17, 43:20, 44:1, 44:2, 44:3, 44:13, 44:20, 44:22, 45:2, 46:12, 46:14, 47:11, 47:14, 56:4, 56:5, 56:8, 56:11, 56:13, 57:13, 57:14, 57:16, 70:17, 70:22, 71:4, 71:7, 71:16, 72:13, 76:24, 78:18, 82:13, 92:1, 93:24, 94:3, 94:13, 94:19, 95:18, 104:6, 104:9, 106:9, 118:6, 118:19, 120:6, 120:8, 123:22, 123:24, 123:25, 124:3, 128:5, 128:15, 128:17, 129:8, 129:11, 129:17, 130:5, 130:12, 130:16, 130:17, 130:23, 131:6, 131:11, 131:23, 132:3, 132:8, 132:19, 133:8, 133:22, 134:2, 134:11, 134:16, 134:22, 135:10, 135:22, 136:19, 136:23, 137:21, 137:23, 137:24, 141:22, 142:12, 144:19, 146:3, 148:6, 152:22, 152:23, 153:24, 154:1, 155:22, 155:23, 155:25, 156:7, 156:12, 156:14, 157:2, 157:4, 157:12, 157:14, 157:21, 157:24, 157:25, 158:1, 158:2, 158:9, 158:17, 158:18, 161:15, 175:17, 178:8, 178:10, 178:24, 179:15, 179:20, 179:23, 180:1, 181:21, 182:1, 182:6, 182:23, 183:5, 184:4, 184:5, 184:25, 185:2, 194:5, 194:9, 194:11, 194:12,

194:16, 194:17, 194:23, 194:24, 195:6, 197:24, 198:8, 198:14, 199:9, 199:14, 200:25, 238:13, 238:19, 238:25, 239:14, 239:16, 239:21, 250:22, 250:23, 251:1, 256:2, 256:3, 256:6, 256:11, 256:14, 256:17, 256:18, 256:20, 256:22, 259:5, 259:18, 260:2, 260:4, 261:1
videos [5] - 129:7, 132:12, 152:17, 152:25, 178:19
view [10] - 100:1, 108:12, 125:3, 125:7, 125:13, 126:1, 144:25, 170:15, 214:3, 224:16
viewed [1] - 148:8
viewing [3] - 14:6, 148:8, 256:21
views [5] - 36:9, 36:12, 38:3, 38:5, 38:7
violated [4] - 12:13, 12:17, 15:12, 55:19
Violation [29] - 26:19, 49:6, 54:8, 55:22, 56:24, 58:2, 58:20, 58:23, 59:1, 59:3, 61:6, 63:20, 67:9, 67:10, 77:16, 77:20, 77:22, 78:4, 82:17, 160:14, 160:15, 160:16, 161:24, 175:6, 175:13, 213:24, 240:3
violation [80] - 5:7, 8:6, 8:12, 9:14, 9:19, 10:8, 10:15, 11:3, 11:6, 17:19, 23:14, 23:20, 23:23, 25:21, 25:25, 26:5, 26:6, 26:23, 26:25, 27:3, 27:9, 27:12, 28:4, 28:8, 28:17, 29:16, 29:19, 29:24, 39:7, 41:8, 43:25, 44:23, 46:24, 47:6, 47:21, 48:2, 48:19, 48:20, 48:24, 49:5, 50:8, 50:19, 54:2, 54:16, 55:14, 56:16, 57:2, 58:12, 58:14, 65:9, 65:12, 65:15, 65:17, 66:4, 66:10, 84:15, 117:14, 119:21, 154:5, 154:8, 158:13, 158:17, 160:9, 160:10, 160:11, 160:18, 168:12, 171:1, 171:5, 171:25, 172:18, 176:2, 176:3, 194:6, 241:22, 241:23, 242:1, 242:4, 242:5
Violations [4] - 54:19, 58:21, 58:24, 59:2
violations [39] - 4:25, 6:1, 9:17, 10:5, 14:19, 26:11, 26:15, 26:16, 26:17, 26:18, 27:13, 29:14, 29:18, 30:12, 30:16, 31:5, 31:8, 31:18, 32:18, 40:14, 43:16, 44:2, 44:4, 46:4, 46:6, 49:21, 50:13, 50:16, 64:15, 83:21, 102:21, 109:2, 115:9, 118:22, 130:7, 130:9, 166:16, 174:21, 190:17
violence [4] - 94:23, 95:23, 109:1, 182:11
visible [3] - 14:1, 107:3, 256:16
visit [2] - 168:1, 177:20
visiting [1] - 196:9
visits [2] - 196:1, 196:5
vodka [1] - 51:10
voice [1] - 227:5
vulnerable [2] - 84:11, 219:6

W

wait [6] - 126:13, 136:14, 206:10, 209:23, 232:2, 255:21
walk [1] - 97:9
walked [1] - 178:18
walkie [1] - 236:19
walkie-talkie [1] - 236:19
walking [4] - 47:16, 47:19, 55:7, 55:8
wall [1] - 76:1
warning [1] - 72:3
watch [4] - 137:3, 138:15, 213:15, 260:12
watched [3] - 46:12, 46:14, 136:19
watching [6] - 135:1, 136:20, 136:23, 137:23, 139:12, 142:13
water [3] - 63:5, 63:6, 63:11
water's [1] - 63:18
Watermelon [1] - 223:18
waters [1] - 152:8
ways [1] - 116:13
wearing [6] - 61:7, 61:15, 61:24, 62:5, 177:12
week [5] - 227:10, 229:18, 233:23, 233:24, 249:21
weekend [1] - 131:10
weeks [1] - 243:24
weighed [1] - 49:14
welcome [2] - 185:15, 232:1
welfare [3] - 15:18, 21:24, 45:25
well-renowned [1] - 144:19
WENGLER [6] - 203:1, 203:2, 203:5, 203:8, 203:12, 203:16
Wengler [15] - 2:17, 9:10, 24:25, 203:1, 203:21, 206:7, 208:5, 208:8, 208:21, 245:15, 245:24, 246:14, 247:1, 247:12
Wes [4] - 37:18, 37:19, 37:22, 38:17
Wesley [4] - 2:22, 9:1, 130:18, 232:9
WESLEY [2] - 232:10, 232:15
West [1] - 89:11
whatsoever [4] - 73:14, 73:20, 73:25, 263:13
whereabouts [1] - 59:20
whereas [1] - 150:5
whereby [1] - 84:13
whisky [1] - 51:10
whispering [1] - 72:2
white [5] - 61:8, 61:15, 61:16, 135:20, 136:10
whole [2] - 89:15, 135:2
wholly [1] - 67:15
Wi [1] - 142:20
Wi-Fi [1] - 142:20
wider [1] - 100:11
wife [1] - 239:5
WILLIAM [1] - 203:16
William [3] - 2:17, 9:10, 203:4
Winds [2] - 204:22, 205:4
wine [1] - 51:11
withheld [2] - 251:17, 251:20
witness [5] - 24:8, 87:19, 100:8, 120:14, 129:3
WITNESS [19] - 89:23, 101:5, 104:1, 111:17, 120:22, 121:14, 121:18, 136:15, 181:10, 187:22, 187:25, 197:2, 208:7, 208:10, 208:13, 208:19, 208:22, 232:1, 263:15
woman [3] - 42:6, 71:11, 73:15
woman's [1] - 42:5
wondering [1] - 132:14
Word [1] - 138:1
words [2] - 228:2, 250:9
works [4] - 5:17, 53:3, 91:4, 117:12
world [1] - 5:4
wrap [1] - 234:3
wrapping [1] - 94:1
write [6] - 103:7, 107:17, 108:23, 109:1, 110:20, 118:1
writing [1] - 144:7
written [7] - 122:11, 123:12, 154:15, 156:8, 157:13, 183:13, 183:23
wrongdoing [2] - 59:16, 242:4
wrongdoings [2] - 166:12, 166:15
wrote [5] - 94:10, 104:25, 107:15, 117:25, 158:16

Y

yard [1] - 151:5
year [6] - 3:21, 188:19, 197:18, 210:11, 210:14, 210:17
years [17] - 4:5, 51:7, 89:2, 112:3, 112:10, 114:5, 151:15, 151:17, 162:11, 203:12, 204:5, 222:6, 226:10, 233:4, 233:11, 252:21, 254:16
yellow [1] - 62:6
yesterday [6] - 212:10, 212:25, 225:19, 230:13, 230:16, 239:18
young [1] - 74:14
yourself [2] - 161:3, 181:14

RECEIVED
By: OAH on 09/30/2022 3:44pm

A.L. Brown
Attorney at Law
A.L.Brown@cclawg.com

September 30, 2022

VIA FAX FILING

Honorable Jessica Palmer-Denig
Administrative Law Judge, Office of Administrative Hearings
State of Minnesota
600 North Robert Street
Saint Paul, Minnesota 55101

Re: *Summary Argument Deadlines* **(OAH 71-6020-38398)**
In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

Dear Judge Palmer-Denig

Attached and filed via facsimile is Billy's on Grand's Summary Argument and a copy of the partial transcript of the hearing.

I am grateful for the Court's extension to get this task completed and to the City's counsel, Ms. Skarda, for not objecting to the continuance.

Sincerely,

A.L. Brown

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
OAH 71-6020-38398

In Re: Liquor on Sale - 291 or More Seats, Liquor on Sale Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul	**CLOSING ARGUMENT OF RJMP GROUP d/b/a BILLY'S ON GRAND**

The City of Saint Paul, on behalf of its Department of Safety and Inspections ("DSI"), brought this adverse action against the license holder, RJMP Group d/b/a Billy's on Grand ("Billy's on Grand") in May of 2022. (Ex. 5-2). DSI seeks to impose a monetary penalty of one-thousand dollars ($1,000.00) against Billy's for allegedly violating the following three (3) conditions of its license:

1. On March 5, 2022, the license holder violated license-condition number six (6)[1] by permitting "several instances of alcoholic beverages leaving the service area. . . ." (Ex 5-6);

2. In March of 2022,[2] the license holder violated license-condition number three (3) when it was "unable to provide access to all the cameras on the property and did not have the means to make a copy of the video upon SPPD officers request. . . ." (Ex 5-6). and

3. That the license holder "failed to manage the Licensed Premises in a manner

[1] "License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s)."
[2] The City alleges two violations of the same condition on different dates. The first alleged violation stems from a request by DSI in a letter dated March 8, 2022, requesting video from March 4-5 (Ex. 9-1). The second alleged violation was stems from a request by a Saint Paul Police Department ("SPPD") officer who was investigating an assault that occurred in the common areas of the mall where Billy's on Grand is located. That request was made in-person and on location on March 13, 2022, by Officer Lyfoung ("The SPPD Request).

that provides a safe environment for patrons and the public." (Ex. 5-7).

The matter has been referred to this Court under the Saint Paul Code[3] for a hearing, which the Court conducted on August 15-16, 2022, with the expectation that this Court would "present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action."[4]

Billy's on Grand, respectfully, asks this Court to find that the evidence does not support a finding that Billy's on Grand violated the conditions of its license and therefore no adverse action is warranted.

A. What evidence supports the City's Claim that Billy's on Grand permitted "several instances of alcoholic beverages leaving the service area?" In the City's own words, "*None.*"

Eric Hudak, the Licensing Manager for DSI, and Sergeant Charles Graupman, the SPPD liason to DSI, were the only two witnesses to present evidence on behalf of the City to support the allegation that Billy's on Grand allowed its patrons to leave the service area with alcoholic beverages. But their own testimony simply does not support the claim. Start with the following exchange with Mr. Hudak[5]:

> Q. I'm going to start from the bottom. So, at 01:53 hours, a female customer, Black female wearing all black, and white -- wearing all black, and white shoes, is seen exiting the front patio holding a drink cup. Do you see it?
>
> A. That's what it says, correct.
>
> Q. What evidence do you have that there was alcohol in her cup?
>
> A. *I don't.*

[3] Saint Paul, Minnesota Code of Ordinances ("City Code") § 310.05 (c).
[4] City Code § 310.05 (c-1).
[5] Transcript of Hearing at pages 61-62 (emphasis added).

Q. Let's go to 01:53. A male customer, Black male wearing all black is seen exiting the front patio holding a drink cup. What evidence do you have that that male was carrying alcohol in that drink cup?

A. *None.*

Q. Is the same true for 01:51, where a female customer, Black female wearing a blue jean jacket, yellow top, and pants is seen exiting the front patio holding a drink cup. You don't have any evidence that that was alcohol in that cup either, do you?

A. *No.*

The Court cannot find a violation of license-condition number six based on Mr. Hudak's testimony.

Sergeant Graupman's testimony doesn't help. On cross-examination, he was asked what evidence he had that the containers leaving the service area contained alcohol or *anything* at all:[6]

Q. I'm asking this in the context of the allegation that Billy's on Grand let liquor leave the premises.

. . .

Q. Okay. It's not a license violation to have a [aluminum] can in public; right?

A. No.

Q. Do you know if that [aluminum] can had anything in it?

A. *I can only assume. I don't know for sure.*

Q. That's a no?

A. *No.*

Q. Do you know if it had alcohol in it?

A. *I don't.*

Q. Could have been a Red Bull; yes or no?

A. *It's possible.*

[6] Transcript at 170-172.

The City assumes that the containers held alcohol, but assumptions aren't evidence.

In sum, the allegation that Billy's on Grand permitted alcohol to leave its premises has *zero* support in the record. The Court should find that **Violation Number 1** is unsupported by the record and therefore recommend no adverse action.

B. Access to cameras allegations

Next, the City seeks an adverse action because it alleges that on two occasions, Billy's on Grand failed to comply with license-condition number three (3), which states:

> Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

It is important to note that license-condition number three (3) does not give DSI access to Billy's on Grand's surveillance system *at all*. DSI is mentioned in license-condition number three (3) only by reference to its SPPD liason ("Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval."). Nothing in license-condition number three (3)

gives DSI the authority to approve a surveillance plan or to request recording made pursuant to that plan. It follows that Billy's on Grand could not have violated condition number three (3) by not satisfying DSI's March 8, 2022, request for video because DSI had no right to request any video. That authority was for the SPPD and even SPPD's access comes with limitations. One half of **Violation Number 3** is premised *completely* on a request for video from DSI, a request which DSI had no authority to make, and Billy's on Grand had no obligation to satisfy.

The other half of **Violation Number 3**, does involve the request for video surveillance by the SPPD. There Officer Lyfoung requested video in furtherance of an investigation of an assault that took place near the restrooms that are in the common areas of the mall where Billy's on Grand is located.[7]And when he made that request, Billy's on Grand provided him access to *all* the camera views within its control.[8] By Officer's Lyfoung's own testimony, the operator of Billy's on Grand was fast, cooperative, and doing its best to assist his investigation.

But Billy's on Grand cannot control that which is outside of its control. The additional camera views that Billy's on Grand could not provide Officer Lyfoung—namely the camera that capture the common area of the mall—belonged to a third-party and were *outside* of the licensed premises.[9]

[7] Transcript at 97-99; Exhibit 100.
[8] Transcript at 93-93.
[9] In all candor, Chapter 409 (Intoxicating Liquor) does not provide a definition for the term "Licensed Premises," but presumably it is the spaces where the licensed activity, *i.e.,* the sale of liquor, is permitted. That does not include the hallways of the mall in which the bar is located.

The licensed premises, stops at the "double doors that separates the restroom and the mall," according to the owner/operator of Billy's on Grand, Wes Spearman.[10] And the owner of the mall in which Billy's on Grand is located agrees that Billy's on Grand, has "no rights to the common area," that would permit them to do business in the common area.[11] In fact, when Billy's on Grand attempted to implement a surveillance system that would capture the common areas of the mall (for its own peace of mind, not as a condition of its license) it could not because the owner/management of the mall would not permit it.[12]

At bottom, it would be unreasonable to hold Billy's on Grand responsible for cameras that it does not own, which are located on property that it does not own, and where the licensed activity (*i.e.,* the sale of liquor) does not occur. And the law requires the City to act reasonably as it relates to license conditions.[13]

No doubt the City will argue the condition is reasonable because Billy's on Grand created the surveillance plan that included the cameras. That is *somewhat* true. True enough, Billy's on Grand passed on a diagram of cameras that was provided by a vendor to Sergeant Graupman, and Sergeant Graupman signed off on it.

That, however, does not make it reasonable for the City to penalize Billy's on Grand for failing to do what the City never required. The directive of the license condition was to create "a video surveillance camera and lighting placement plan (video surveillance plan) for

---

[10] Transcript at 234.
[11] Transcript at 205-206.
[12] Transcript at 233-236.
[13] *Bergmann* v. *City of Melrose*, 420 N.W.2d 663, 665 (Minn. Ct. App. 1988)("A city may subject businesses conducted on premises where liquor is sold to *reasonable* regulations and conditions necessary to control its sale.)(emphasis added).

the interior and exterior *of the licensed premises*." That Billy's on Grand was overinclusive in its surveillance plan does not extend the reach of license condition to non-licensed premises. The license condition is for the "licensed premises," not the entire mall in which the licensed premises is located.

Billy's on Grand did all it could to help the SPPD when they asked for it. It provided access to the cameras within its control within minutes of being asked. There is no basis for an adverse action based on **Violation Number 2**.

C. The Catch-All

Finally, the City seeks to impose a penalty on Billy's on Grand under a "catch-all," **Violation Number 4**, which the City uses quite often in adversary proceedings.[14] The catch-all provision claims that Billy's on Grand "failed to manage the Licensed Premises in a manner that provides a safe environment for patrons and the public." This allegation is without merit.

When asked to identify what evidence the City has to support that allegation, Mr. Hudak identified only the other violations within the Notice of Violation (Ex 5-7) (*i.e.,* alcohol leaving the premises and the two alleged failures to provide surveillance video on demand) and past adverse actions.[15] In other words, **Violation Number 4** is a pooling of Violations 1through 3, plus any prior adverse actions.

Billy's on Grand has addressed Violations 1through 3 in Parts A-B of the Closing Argument. There has been only one prior adverse action, which was *uncontested* because the

[14] Transcript at 53-54.
[15] Transcript at 55-59.

owner/operator Billy's on Grand was advised that he could not challenge the adverse action because he was not the license holder.[16]

There is no evidence that Billy's on Grand has "failed to manage the Licensed Premises in a manner that provides a safe environment for patrons and the public evidence." In fact, the evidence points the other way. *Every* city official, including law enforcement, that testified about his interaction with the owner/operator of Billy's on Grand testified that they were cooperative, polite, and helpful. *No one* testified to the contrary.

To ensure a safe environment, Billy's on Grand has employed no less than seven security guards and as many as twelve; this does not include the law enforcement agency and the private security companies that Billy's on Grand has hired.[17] On their busiest night of the week, Saturday, Billy's on Grand has approximately 13-14 security staff on site.[18] This level of security comes at a, to use Mr. Spearman's word, "ridiculous" cost of $16,000.00 a month.[19] But Billy's on Grand pays it because it has "had issues and [it] wanted to clean up those issues and [it] did everything in [its] power to make sure it did."[20]

That is the way the Owners/Operators of Billy's on Grand have approached their business operations. They are doing everything within their power to make this business a success within the community that it sits.

---

[16] Transcript at 241-242.
[17] Transcript at 209-212.
[18] Transcript 210-211.
[19] Transcript at 241.
[20] Transcript at 241. And there has been *no* testimony to the contrary.

There is no factual basis to support an adverse action in this case and the Court should recommend that the City impose no penalty.

Dated: September 30, 2022

Respectfully submitted
/s/ A.L. Brown

A. L. Brown (# 331909)
CAPITOL CITY LAW GROUP, LLC
287 East Sixth Street, Suite 20
Saint Paul, MN 55101
Telephone: (651) 705-8580
E-Mail: A.L.Brown@CCLAWG.COM

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

September 22, 2022

VIA EMAIL ONLY
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

VIA EMAIL ONLY
A.L. Brown
Capitol City Law Group, LLC
287 E Sixth St Ste 20
Saint Paul, MN 55101
A.L.Brown@cclawg.com

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 71-6020-38398

Dear Parties:

Enclosed and served upon you please find the **AMENDED POST-HEARING SCHEDULING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7943, dara.xiong@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

DARA XIONG
Legal Assistant

Enclosure

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul	OAH Docket No.: 71-6020-38398

On September 22, 2022, a true and correct copy of the **AMENDED POST-HEARING SCHEDULING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

VIA EMAIL ONLY
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

VIA EMAIL ONLY
A.L. Brown
Capitol City Law Group, LLC
287 E Sixth St Ste 20
Saint Paul, MN 55101
A.L.Brown@cclawg.com

OAH 71-6020-38398

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

AMENDED POST-HEARING SCHEDULING ORDER

This matter is pending before Administrative Law Judge Jessica A. Palmer-Denig.

Therese Skarda, Assistant City Attorney, appears on behalf of the City of St. Paul (City). A.L. Brown, Capitol City Law Group, LLC, appears on behalf of Respondent Randall Johnson and RJMP Group d/b/a Billy's on Grand (Licensee).

On August 16, 2022, the Administrative Law Judge issued an order establishing deadlines for the parties to submit written closing arguments and responses to public comments. On September 22, 2022, Licensee's counsel requested an extension of each of the deadlines by one week. The City's counsel does not object to an extension of the deadlines.

Based upon the record herein,

IT IS HEREBY ORDERED:

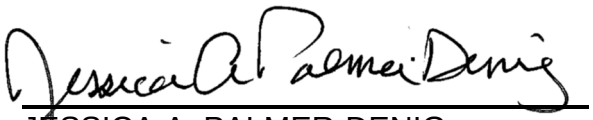
1. The parties shall file simultaneous written closing arguments and responses to public comments not later than **4:30 p.m.** on **September 30, 2022**.

2. The parties shall submit simultaneous written responsive closing arguments not later than **4:30 p.m.** on **October 7, 2022**.

3. The record will close upon receipt of the parties' final filings on **October 7, 2022**.

4. Unless amended herein, the terms of prior scheduling orders remain in effect.

Dated: September 22, 2022



JESSICA A. PALMER-DENIG
Administrative Law Judge

RECEIVED
By: OAH on 9/22/2022 10:47 AM

FACSIMILE TRANSMISSION

To:

From: A L Brown
Capitol City Law Group, LLC
413 Wacouta Street
St. Paul
MN 55101

Note:

Extension of Summary Argument Deadlines (OAH 71-6020-38398)

Phone:
Fax Phone: *(651) 539-0310*

Phone: *(651) 705-8580 * 101*
Fax Phone: *16517058580*

Date: 09/22/2022

Pages including cover sheet: *2*

A.L. Brown
Attorney at Law
A.L.Brown@cclawg.com

September 22, 2022

VIA FAX FILING

Honorable Jessica Palmer-Denig
Administrative Law Judge, Office of Administrative Hearings
State of Minnesota
600 North Robert Street
Saint Paul, Minnesota 55101

Re: *Extension of Summary Argument Deadlines* **(OAH 71-6020-38398)**
In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

Dear Judge Palmer-Denig

I write to request a one-week extension for the parties to file their written summary-arguments and reply-arguments in the above-referenced matter. Currently, the summary arguments are due tomorrow, September 23, 2022, by 5 PM, and the reply briefs are the September 30th.

The reason for the extension is that I fell sick late last week, and against good judgment, continued to work, further aggravating my condition. I am still not well. As a result, I have lost the days of work I set aside for this work and need an extension.

I have consulted with counsel for the City and she, thankfully, indicates no objection to an extension. In full candor, however, she has not indicated a position on the length of the extension.

In sum, I need a one-week extension of both deadlines (without the 5PM deadline).

Sincerely,



A.L. Brown

23 August 2022

RECEIVED

SEP 21 2022

Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

Re: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

I'm writing to you to express my concerns as a 5-year resident of this neighborhood. I ask you to please consider them as you seek a decision about the liquor license application for Billy's on Grand.

I strongly oppose granting of the liquor license to the current owner of Billy's. Key to my objection is the safety and well being of those of us who live here, and the friends and family members who visit us.

I apologize in advance for the lack of brevity here but wanted to describe in some detail what we experience living on the block shared with Billy's. Hopefully, this will make clear how disturbing it is for us and how seriously we take this issue.

Yes, this stretch of Grand Avenue is zoned mixed commercial/residential. We live here. We love it. We're within easy walking distance of a variety of great dining options, drugstores with pharmacies for prescription services (we're retired), a well-stocked hardware store, our dentist.

We have young grandchildren so it's wonderful to have two lovely playgrounds nearby. My wife cares for two of them two days a week. "Let's go to the park, Grandma", are frequently the first words we hear on Monday mornings.

We invite friends and family to join us for brunch and dinner in our home and at 'our' restaurants. We walk and bike-ride in the neighborhood. We get together with others in our condo association who've become friends. We meet for meals, gardening and walks and talks. A neighbor on Lincoln Avenue hosts regular outdoor live music in the summer.

During the day the sidewalks are filled with shoppers, people going for yoga classes, young couples and grandparents pushing baby strollers. Folks going to Café Latte, Red Rabbit, Tavern on Grand and other places along Grand Avenue for lunch or dinner. And to Bread & Chocolate for a morning coffee and a croissant with their newspaper. Brugger's across from us sees a steady stream of customers picking up bagels and breakfast sandwiches to start the day. During the day also, there's Billy's with it's lunch menu of classic burgers. Great!

But when night falls, beginning largely on Thursday and through the weekend, Grand Avenue on our block undergoes a Jekyll and Hyde transformation. Between 9:00 and 10:00 pm as stores and

restaurants close, the retail shoppers and diners leave. They're replaced by people coming to the neighborhood for a drink with friends. Fine. On our block, their destination is Billy's.

After Billy's stops food service, and until they close, patrons have just one option. Drink more. The result is unsurprising. In stark contrast with the daytime crowd, patrons coming to and departing from Billy's late are routinely louder, more argumentative, and some are more violent.

Drivers exiting Billy's lot and parked along Grand often speed away down the street, often after pulling multiple U-turns. For what reason, I'm not sure.

I assume you are familiar with the law enforcement statistics for '911' and other police responses related to Billy's in the past one-and-a-half to two years.

Regardless of whether these reported and unreported incidents occurred directly within the confines of Billy's business premises, the concentration of the incidents within a one block radius of Billy's establishment is indisputable. The behavior is absent from other blocks away from Billy's.

This pattern is not random and not mere coincidence. They are a result of Billy's presence and (some) of the people attracted there.

At midnight one weekend In July about a dozen gunshots rang out down on Grand Avenue, coming from the direction of Billy's. I looked toward Billy's out my kitchen window and watched as a couple of men scrambled into a parked vehicle, pulled a U-turn and sped east on Grand.

One of the bullets had crashed through our upstairs neighbor's kitchen window. That neighbor was in the room at the time and was struck by shattering glass. Had he been at his sink three feet away getting a drink of water, he would have been in the path of the bullet.

Last Friday evening, August 19, I heard a siren and watched as a police cruiser pulled into the small parking lot at Billy's. I went out the back door of our apartment building and down the sidewalk toward Billy's. By then two other St. Paul Police cars had followed into the parking lot. Four men wearing dark shirts marked "Security", presumably hired by Billy's, stood and talked at the entrance to the lot.

I don't know what the police officers were called for and could not see them. Neighborhood social media later suggested the police were responding to a reported assault. This could be verified by police records.

Then early Sunday, August 21 about 1:30 am, I was awakened by a half dozen gunshots and loud voices outside our apartment along Grand Avenue. I again looked west from our kitchen windows toward Billy's. Maybe five minutes of calm was followed by another volley of gunfire, this time perhaps ten more shots.

Prior to the gunfire, I had watched a dark SUV turn onto eastbound Grand Avenue from Victoria, pulling slowly alongside a vehicle parked on Grand Avenue opposite Billy's. Multiple shots were fired and the SUV accelerated and sped east on Grand.

I had called '911' and was told several squad cars were responding to calls and would be arriving to the location soon. Again, my neighbor, the one whose window was shot in July had also called '911' and had gone out to speak with the officers when they arrived on scene.

Several police cars were parked in the middle of Grand next to Billy's while another blocked off the intersection of Grand and Avon adjacent to my apartment. Officers were marking the shell casings they located in the street, beginning near the driveway to Billy's parking lot.

(I've since learned that one of our condo neighbors contacted St. Paul Police the following day after he discovered more shell casings in the alley exiting onto Avon between Grand and Lincoln Avenues).

Sunday August 21 near midnight, I was awakened again. This time at the sound of a loud argument near the entrance to Billy's involving a man and a woman. As the woman walked west on the sidewalk past Billy's, the man got in a car, started it and screeched tires as he pulled away from the curb. Pulling ahead even with the woman walking on the sidewalk, he swerved back to the curb, jammed on the brakes, and jumped out of the car. Still hollering he moved quickly and, in my mind, menacingly toward her.

I didn't have my cell phone at that point and wondered if I was about to witness an assault. Then the taillights of a second vehicle came on. The driver moved forward slowly and pulled in, stopping behind the first vehicle. While still hollering, the first driver got back in his car and drove away west on Grand, apparently ending without an assault.

We are increasingly afraid. Should we ask our kids to let grandchildren stay overnight with Grandma and Grandpa? Are we being irresponsible for even considering it?

Again, I apologize for the lack of brevity. But we face the approach of each weekend with significant apprehension. We wonder, "what will it be this time?"

The effect on our safety, peace of mind and quality of life is disturbingly real. Though it may be an inconvenient conclusion, Billy's is at the center of the difficulties facing those of us who live here. Business as usual is an unacceptable option for moving forward.

I respectfully ask that you decide not to grant Billy's application for the liquor license they seek.

Sincerely,

Kevin W Johnson
51 Avon St S, #23
St. Paul, MN 55105
(cell) 320.224.4533

August 30, 2022

RECEIVED
RECEIVED
AUG 31 2022
By: OAH on 9/1/22 at 1:13pm
Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

Serious action needs to be taken with this restaurant. I propose taking away the liquor license. That would mean they may need to become a family restaurant for the neighborhood, which would be good for the neighborhood.

It is simply not acceptable in this closed-in neighborhood, to have gunfights occurring, with a lot of children on the streets, and other folks who like to walk on Grand Avenue. There have been too many of them occurring at this location during the past 2 years. I will no longer walk on Grand Avenue after dusk.

In the alternative, give them a limited liquor license, wine only, beer only. Perhaps the venue can be developed to one more suited to this neighborhood.

Sincerely,

Patricia Callaghan

Patricia Callaghan
528 Ashland Avenue, Apt. 6
St. Paul, MN 55102

Copies to:
Therese Skarda, Assistant City Attorney, Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102 By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group, LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101 By email: A.L.Brown@cclawg.com

24 August 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RECEIVED
AUG 29 2022
Office of Administrative Hearings

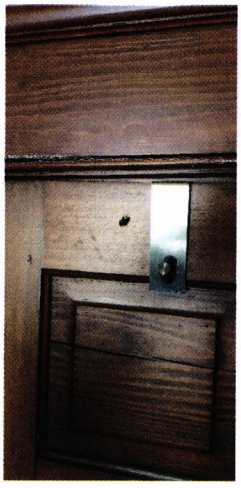
RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

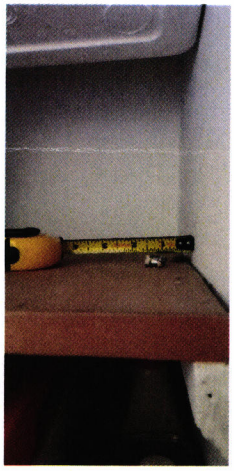
Dear Judge Palmer-Denig:

I own a third floor condominium at 51 Avon Street S. My kitchen window looks westward up Grand Avenue at Billy's on Grand's location.

As a twenty-three year (plus) neighbor of Billy's on Grand I have to say that with William Wengler's sale of the business to the current license holders (Johnson, et al), and then their subsequent re-sale to the current owners (Spearman, et al), I have never witnessed so much violence in my neighborhood. Beginning in the mid-summer of 2020 I have witnessed street brawls by color-wearing gangs outside my bedroom window, numerous gun fights, murder, and all-around general mayhem, all *after* 10pm.

On June 18, 2022, at 11:55pm a shootout occurred outside of Billy's on Grand. Ten or more shots rang out while I was entering my kitchen to get a glass of water. Glass shards sprayed my leg. I was nearly struck by a stray 9mm bullet. I was, honestly, just two foot-steps from being hit in the head by a bullet. A one-in-a-million experience I don't wish to ever have repeated. I am still a little apprehensive everytime I enter my kitchen at night. I'm *still* trying to get things repaired from the damage.



This past Sunday morning, August 21, 2022 at about 1:30am, I was woken by several more gunshots. Two more people duking it out with pistols outside Billy's on Grand. Ten more shots. Bullets flying about the neighborhood. Meanwhile I'm on the phone with 911, crouched down behind the very window that was shot out just two months prior, trying to give descriptions of the criminals. Imagine this was where you lived. Imagine living in historic Crocus Hill, off of *Grand Avenue* in Saint Paul, hiding behind a brick wall, hoping that a one-in-a-million occurrence doesn't become two-in-a-million.

Much of the violence that is occuring outside of Billy's on Grand is, admittedly, outside of Billy's on Grand's control. It's not happening within their establishment. They may be doing all they can to limit problems inside - And they are mostly being successful at it. However, they are failing horribly around their establishment. *They* are the magnet attracting the gun-slingers, and brawlers, and mayhem. What happens in the general vicinity of Billy's on Grand, especially after 10:00pm is *no coincidence*. There is no other bar or business open within blocks. They want to be treated like other bars and restaurants in the neighborhood, yet none of the businesses elsewhere along Grand Avenue have had anywhere near the level of lawlessness in such close proximity as Billy's. Billy's on Grand has proven time and time again that they either can't, or don't wish to, control, or take responsibility for, the actions of their customers after having been serving them a night of alcohol and dance club music. THIS HAS TO STOP NOW or there will be continued violence, and possibly even death.

This is affecting the liveability and financial stability of property and business owners in the neighborhood.

Billy's on Grand is absolutely the wrong venue type for this historic, business-*residential* mixed-use neighborhood. I would ask, for the safety of both myself, my partner, my loved ones, my neighbors, and other innocent bystanders who happen in the neighborhood, especially after 10:00pm, that Billy's on Grand's business licenses be restricted to no later than 10:00pm.

Sincerely,
Milton G Nichols, Jr
51 Avon Street South #25
Saint Paul, MN 55105

Copies to:
Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101
By email: A.L.Brown@cclawg.com

24 August 2022

RECEIVED
AUG 29 2022
Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

This past weekend, early Sunday morning I was awakened to several more gun shots fired outside my window. I live a half-block from Billy's on Grand. Our building, 51 Avon Street South, was struck by a bullet back in June. That was my kitchen window. We are still working on repairing the damage from that. I was the one who found the bullet that traveled from the direction of Billy's on Grand. The same bullet that broke our third floor window, blazed through our kitchen and through a one-hundred-twenty year old closet door, that also struck the plaster and landed on the top shelf of the closet. That same bullet that my partner was TWO STEPS away from that night back in June. He felt the shattered glass spray his legs.

We are still dealing with the emotional trauma of that night back in June.

Trauma. This neighborhood was *and* is in trauma. From a bar's patrons.

I, for one, can't walk into our kitchen, without thinking about that night back in June. Let me state that again. *I can't walk into our kitchen* -- a part of my home, my safe space -- without thinking about that night and instinctively ducking or avoiding that area where that bullet traveled. I am reminded of that moment repeatedly, every single day. The memory of that night. The night when my partner was nearly struck by a bullet.

And why? For a business in my neighborhood that continuously has proven themselves unfit to keep their doors open.

Bullets that flew outside my home again this past weekend, early Sunday morning at 1:30am.

This time I watched as my partner called 911, doing his part to protect the neighborhood, to give the operator details of what he was witnessing. To keep safe from the potential of flying bullets, he was on his hands and knees, on the floor near the window where he was nearly struck back in June.

I am sick and tired of this. The trauma is real. The murder and shootings that continuously occur around Billy's. We have witnessed or heard them all. It's far too much and we are all potential

casualties to a business that does not know how to operate safely and be a constructive member of this community.

THIS HAS TO STOP NOW!

I am unaware of other establishments on Grand Ave that are open around the hours in question and have regular gunfire and disturbances similar to those that happen at Billy's. When the finger is pointed at others or the words of management or community members: "well that happened a while ago" or "it's been quiet" assuming everything is now fine.... Those words sting. Nothing will erase the echo of gunshots and screaming heard on any of those nights. Nights when Billy's was the only business open. Nothing will erase the crossing of our kitchen floor and feeling the glass of our shattered window on our feet as we put the pieces together. Nothing will ever replace finding the bullet in our safe space. The potential for repeated damage and trauma to this community is far too great if Billy's remains open.

Please help this neighborhood. We should not have to live like this.

I applaud the brave policemen and police women of this city who responded to this recent incident and the incident in June and all of the incidents around Billy's. Prompt and professional. I can't begin to understand what they must feel. To arrive at the scene of a crime and be denied the ability to do their jobs and investigate a crime as they were this past May. These past two ownership groups are in over their heads and should not be operating this type of business in this type of neighborhood..

These brave men and women who serve to protect us should not have to waste their time responding to crimes at and around Billy's on Grand. These are not a one off event, or mere coincidences. They are a pattern. Virtually every 60-days there is a new wound to my home's block. My block. My neighborhood.

Please do the right thing and do not allow Billy's on Grand to continue to operate with late night licenses.

Sincerely,
Brent Teclaw
51 Avon Street South #25
Saint Paul, MN 55105

Copies to:
Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101
By email: A.L.Brown@cclawg.com

22 August 2022

RECEIVED

AUG 29 2022

Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

I am writing to you to briefly summarize a few of my opinions regarding our neighborhood establishment, Billy's, as it relates to (my understanding of) their request to dismiss a DSI adverse action ruling related to May 6th, 2022 incidents:

- The repeated incidents of violence that have occurred at and in the close proximity to this establishment are very troubling to me and many of my neighbors. I believe police reports would corroborate the incidents and the incident locations.

- The multiple occurrences of gunfire in close proximity to this establishment is extremely troubling to me and many of my neighbors. I believe police reports would corroborate the incidents and their locations.

- My understanding is that incidents occurring after May 6th may be outside of your purview. However, I would request that a general understanding that additional confirmed incidents, including gunfire, have occurred before and after May 6th and that they be considered in the context that the May 6th incident(s) are part of a pattern and are not standalone.

- I am requesting that the adverse action ruling related to incidents on May 6th not be dismissed.

I appreciate your consideration.

Sincerely,
Curt Isernhagen
815 Lincoln Avenue
St. Paul, MN 55105

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

The UPS Store

RECEIVED
By: OAH on 8/26/2022 11:46 AM

1041 GRAND AVE
SAINT PAUL, MN 55105
PHONE: 651-222-2019
FAX: 651-222-1807
store1782@theupsstore.com

FAX

TO: Judge Palmer-Denig

FROM: M. Lindley

COMPANY: _____

PHONE: 630-852-6057

FAX #: 651-539-0310

FAX#: _____

DATE: 08/25/22

TOTAL PAGES: 2

*INCLUDING COVER SHEET

MESSAGE:

635 Grand Avenue, Number 6
Saint Paul, MN 55105

August 25, 2022

The Honorable Judge Jessica Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
VIA FAX: 651-539-0310

Regarding: Docket #71-6020-38398; liquor license for Billy's on Grand

Your Honor:

Thank you for this opportunity to provide comments regarding the liquor license for Billy's on Grand, located at 857 Grand Avenue in Saint Paul.

As residents of Grand Avenue just down the block from Billy's, my wife and I love to see businesses thrive. A busy Grand Avenue is one of the many reasons we chose to live here when we moved from the Chicago area five years ago.

We also support the addition of more minority-owned businesses along Grand Avenue. We believe a diverse business community benefits not just those of us who live along the Grand Avenue corridor, but all of Saint Paul as well.

Unfortunately, Billy's has become a detriment to our neighborhood and our city. It is no longer a neighborhood restaurant and pub/bar; it has instead become a party venue with loud music and large crowds spilling into the surrounding streets, sidewalks and parking lots. Police have testified to the number of increase in assaults, vandalism, harassment and shootings they have responded to over the past months.

We knew we were moving to a mixed-use neighborhood and understand that businesses do contribute to both traffic and noise. But this business does not fit into a residential/mixed-use community.

We know that losing a liquor license at this location would potentially be one more blow to our business community. But the safety of our neighbors must always be our chief concern. We urge you to deny Billy's a liquor license.

Thank you for your consideration.

Sincerely,

Mark C. Lindley

CC: Therese Skarda, Assistant City Attorney
therese.skakrda@ci.stpaul.mn.us

A.L. Brown, Capitol Law Group
A.L.Brown@cclawg.com

22 August 2022

RECEIVED

AUG 26 2022

Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to license conditions - Billy's on Grand

Dear Judge Palmer-Denig:

According to the St. Paul Police Department Billy's on Grand (Billy's) had been the subject of over 100 calls for police service in the prior 12 months. Many of these qualified as "quality of life" calls, meaning they had a direct negative impact on the surrounding residential community. They included shootings, one homicide, assaults, public indecency, and robbery. Because of the issues encountered within the operation of the bar itself, Billy's is currently operating under at least eight restrictive conditions, including requiring the presence of uniformed security. These uniformed security have had little apparent impact based on the experiences of the residents surrounding Billy's. The shootings have continued:

1. **June 18, 2022 at 23:59PM -** A bullet going through a window in my condo building, and two more bullets into a car on Grand Avenue the evening of June 18, 2022. From Police report #22-107998 - SPPD officers collected 7 nine millimeter casings and 2 .22 caliber casings from the streets in front of Billy's. "Sgt. Sills and [Mayavski} went to Billy's on Grand and spoke to the owner, Wesley Spearman, about this incident. Spearman stated that there was a group of males asked to leave by security because they were involved in a verbal altercation. Shortly after the males left, gunshots were heard and Spearman believed it was possible that they were involved even though he did not have any direct knowledge of their involvement. Spearman showed us surveillance video of the males leaving. Additionally, as described by witnesses, a white SUV did travel east on Grand shortly after the males left walking toward the east on the north side of Grand Avenue."
2. **August 21, 2022 at 01:35AM – Police report not available yet** – From neighbors: A volley of 5 shots Billy's from the area of Billy's parking lot followed a minute later by a volley across the street in the ally on the south side of Grand. Police collected 4 casings from the ally.

This is in addition to public disturbances at closing time, and reports of numerous assaults of individuals in the public areas surrounding Billy's.

Billy's on Grand's current closing time of 2AM has made it a magnet for customers creating a late-night atmosphere of noise, disruption, and lawlessness after midnight that is at odds with the nature of Grand Avenue and Summit Hill, a peaceful mixed residential/business neighborhood. Neighbors are continually

awakened by noise from Billy's customers at closing time, as well as by emergency vehicles summoned to deal with the latest disturbance. Thanks to recurring instances of gun violence, homicide, and assaults, residents fear for their safety if returning home late at night. This situation threatens serious damage not just to Grand Avenue's quality of life but also to its commercial well-being.

This much is clear, no amount of well-intentioned compliance by the owners of Billy's with the restrictions imposed on them will affect the behavior of customers after they leave the premises. Only one measure will make a difference in curtailing the disruption that Billy's has subjected the neighborhood to, and that is to insist on a 12AM (midnight) closing or a cancelation of the liquor licenses. This is supported by the Summit Hill Association (SHA) and by the overwhelming majority of residents in our area (documentation provided City Attorney at the hearing on August 15 2022).

We have attempted to work with Billy's management over the past 8 months to modify their closing time and the responses we have receive include:

> " [Mr. Spearman and Mr. Gilbert] *say they have a Black late-night clientele that gets wrongly scapegoated for any and all crime on the avenue... Others think we're the worst thing. Anything on Grand Avenue involving a person of color gets associated with us* " Pioneer Press 24 July 2022

When asked about the possibility of responding to the neighbor's and SHA requests for a firm closing time of midnight Mr. Spearman replied:

> *"...We are a high volume business" and "...we just want to be treated the same as everyone else"* SHA public meeting 22 March 2022

I can assure you Judge Palmer-Denig that while the managers have said there are 'perceptions of Billy's in the neighborhood that are racist in their origins, and they are fighting perceptions' - nothing could be further from reality and frankly that accusation is insulting and unjust. I have owned my condo since 2003 and I take exception to the assertion that they are perceptions - A bullet through a window is not a perception. Another volley of more than 9 shots 2 nights ago was not a perception. Over 100 police calls in the past year using up our limited police resources. Numerous assaults. These are not perceptions they are cold hard facts that are easily verifiable by you as a finder of fact.

In the past 19 years we have never experienced so much violence that puts fear in our daily life. Billy's has put the profit from their late night operating hours ahead of the requests of their neighbors and the SHA.

Billy's management have steadfastly said that they don't control the actions of their patrons when they leave their establishment, or that the incident cannot be linked to their establishment. A review of police reports refutes most if not all of those assertions. Facts. Billy's has been the nexus of the violence that has besieged our neighborhood for the past year since the current operators have been in control.

I believe that the hearing you are conducting was specifically dealing with one issue of non-compliance with their license conditions. The explanation and details provided above are intended to help you understand the siege that the residents of our neighborhood have been enduring for the past year.

There are also incidents of further non-compliance and a lack of cooperation with the SPPD that future hearings may have to deal with. I respect process, but I also value the peaceful enjoyment of what has been a vibrant and peaceful neighborhood and fear that while we are moving through 'process' there will be further violence, injury, gunfire, and possibly loss of life. I respectfully request that you recommend *at a minimum* a midnight closing time as we have steadfastly been requesting, or removal of the liquor license for Billy's on Grand.

Sincerely,



Robert Karls
51 Avon Street South, #24
St. Paul MN 55105

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

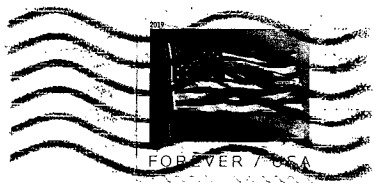
By email:

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

R. Karis
51 Avon St. S. #24
St Paul MN 55105

MINNEAPOLIS MN 553
24 AUG 2022 PM 2 L



Judge Palmer-Denig
Office of Admin Hearings
PO Box 64620
St Paul MN 55164

55164-062020

OAH-0374

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
RE: **RE: Docket #71-6020-38398**

RECEIVED
AUG 26 2022
Office of Administrative Hearings

Hello Judge Palmer-Denig:

We appreciate all you do to help St. Paul remain a safe, law-abiding city.

As the spouse of a former Hennepin County Attorney, I saw from the inside that you have a very tough job. And again, I thank you for that.
For years I was a Minneapolis teacher in high-poverty, high crime neighborhoods.
I love and respect all people, and have seen first-hand the pain and heartache that happens to residents—and perpetrators--who live in neighborhoods where danger rules.

And I trust you to do the absolute best you can within the letter of the law to protect all our people, our neighborhood, and our city.

Re the problems with Billy's establishment on Grand Avenue:
For twenty-five years, we have lived just a half-block off Grand Avenue on Avon Street.
Like many of our neighbors, we heartily support and frequent our local businesses.
Over our long residency in this area, we have experienced occasional late-night problems.
However, we have NEVER seen anything like the recent spate of major, violent and life-threatening issues that sadly, now occur often—since Billy's has attracted customers who are allowed to drink until 2 a.m.
Gunshots have become a too-common occurrence—citing just one example, recently a neighboring condo unit was damaged by a shot that narrowly missed the owner. There are reports of many other dangerous occurrences.
THIS CANNOT CONTINUE.

For many years Crocus Hill and Grand Avenue businesses together have created a historic, peaceful and welcoming neighborhood for people from all walks of life. It has been a jewel in the heart of Saint Paul, frequented by people from all over our state and country. Because Billy's has not always honored rules and agreements, its patrons are spilling over onto Grand Avenue—drunk, disorderly, and dangerous.
While the safety of residents and other patrons is paramount, this situation is also hurting other businesses on Grand Avenue (losing patrons due to perceived danger) and could easily affect property revenue for the city and state if the neighborhood goes downhill.

A lot is at stake here. And if beatings, shootings and killings continue, they will be followed by the press with dire consequences to individuals, the neighborhood, and the entire city.

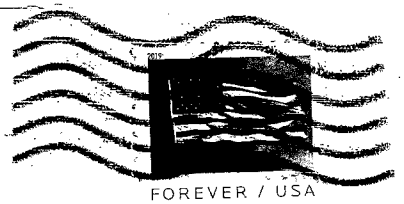
Again, I trust you to do the absolute best you can within the letter of the law to protect ALL our people, our neighborhood, and our city.

Sincerely,
Eve J. Blackwell
Eve Johnson Blackwell
63 South Avon Street
Saint Paul, Minnesota 55105

Eve Blackwell
63 S Avon St Apt 33
Saint Paul, MN 55105-3336

MA-70988

SAINT PAUL MN 550
24 AUG 2022 PM 1 L



Judge Palmer-Denig
Office of Administrative Hearings
P.O. 64620
Saint Paul, MN. 55164

55164-99955

OAH-037b

22 August 2022

RECEIVED

AUG 26 2022

Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

It is my understanding that you are ruling on the requested dismissal of the DSI Adverse Action cited to Billy's against their liquor license for incidents that occurred on May 6th. My ask is that you view the below St. Paul 'Police Live on Patrol' video that was recorded that evening as evidence that this was no minor occurrence before you make your judgement.

There have been three other incidents that involved gun fire since May 6th that I know you cannot include in your ruling, but ask you go view the video of the evening of May 6th that demonstrates what the neighborhood has been dealing with the after-hour crowd that Billy's attracts. Another incident in June resulted in a third pending Adverse Action has spurred three community meetings with Billy's that included the St. Paul police department, and one with Summit Hill Association. I am very proud of our community for stepping up to have a civil dialogue with owners of Billy's, but we need to see results. Unfortunately, I am not convinced that our efforts are translating into changes in how Billy's is managing their business or complying with their commitment to close at midnight instead of 2 a.m. Again, I know that you are not able to include other events in your ruling but there were multiple shots fired in the early morning hours this last Sunday, August 21st in the vicinity of Billy's that further exasperates the frustration of the neighborhood and our concern for our safety.

It is an absolutely fair statement that Billy's is not responsible for all the crime in our neighborhood! Violence is up around the city, but this type of concentration of crime and violence has never been present in our neighborhood and many of the most egregious incidents occurred within a block of Billy's on Grand and Victoria. I also included a link to a 'Live on Patrol' video of a shooting that occurred on March 4th right outside of Billy's. There was no Adverse Action issued against Billy's for this incident since no direct correlation could be determined by the police, but the victim was found right outside the bar on Victoria.

My ask is that you do not grant a dismissal of the Adverse Action before your bench as this could potentially reset the penalties that Billy's has incurred against their liquor license. I can confidently say that everyone in the neighborhood would like nothing more that Billy's to be successful, but not at the expense of safety. There are many families with young children within a block of Grand that continue to traumatize by gunshots being fired every 3-4 weeks. My fear is that families are going to start moving out of the neighborhood.

I will give Wes and Chuck credit for working with their neighbors over the last two months by participating in community discussions and entertaining a 12 p.m. bar close time for at least until the end of the summer. My fear is that a dismissal of the Adverse Action brought forth by DSI will set us back from the work that needs to be done to reach the ultimate goal of returning Billy's to a much-loved restaurant on Grand Avenue with Wes and Chuck driving the change that is needed to ensure safety within the community, and for Billy's patrons and staff.

May 6th Live on Patrol #232 – https://www.youtube.com/watch?v=vtrzKTYoxiQ&t=24126s (If typing in the URL does not work search for 'Live on Partrol #232 (May 6,2022)')
Start watching at 6:41 – 6:52

Comments to Note:

"Oh my goodness, Rowdy might be an understatement"

Back up calls in and the squad car says yes please come, "This is off the hook"

6:46 Squad car comments on why the off-duty Ramsey County Sherriff officers decided that they were not going to continue their contracts for security for Billy's

(Billy's is spending $15,000 a month on security, which in my opinion is not normal for a neighborhood sports bar. This is conjecture on my part, but I think that off-duty Ramsey officers that Billy's had hired as part of their security staff had decided before this evening it was going to be their last night due to the risk they were incurring by being associated with the establishment.)

6:47 shows the amount of security that Billy's is required to deploy for crowd control on a "Rowdy" weekend night

Shooting on March 4th
'Live on Patrol' #218: https://www.facebook.com/Liveonpatrol/videos/957970414852335
Start watching at 5:26

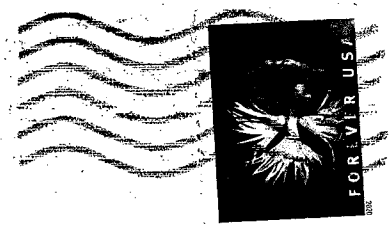
Kind Regards,

Jennifer Isernhagen

Jennifer Isernhagen
815 Lincoln Avenue
St. Paul, MN 55105

J. Isernhagen
815 Lincoln Ave
St. Paul, MN 55105

SAINT PAUL MN 550
24 AUG 2022 PM 2 L



Judge Palmer-Denig
Office of Administration Hearings
P.O. Box 64620
St. Paul, MN 55164

55164-062020

OAH-038

[redacted]

Aug. 24, 2022

RECEIVED

AUG 26 2022

Office of Administrative Hearings

Docket # 71-6020-38398

Dear Judge Palmer-Denig,

We haved lived in the Victoria & Grand neighborhood since 2006 and have always felt safe as we make our way around the commercial & residential streets. Not anymore! Especially at night, when Billy's is in full swing, we are afraid to drive past them on our way home (we live in the same block) because very often there are altercations right outside on the streets in front of the place. A resident in our buildings was almost shot by a bullet that came through his window one night. It is terrifying to walk from our garage to the back door of our building. Please deny Billy's the right to so negatively impact our community. Thank you.

Susan Hunter 57 Avon St. S. #28

[redacted]

HUNTER
57 Avon St. S. #28
St. Paul, MN
55105

SAINT PAUL MN 550
24 AUG 2022 PM 1 L



Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
St. Paul, MN
55164

55164-062020

23 August 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RECEIVED
AUG 26 2022
Office of Administrative Hearings

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

My family has lived within three blocks of Billy's on Grand for 22 years, first at 976 Lincoln Avenue and currently at 804 Lincoln Avenue. Over that time we have been regular patrons of Billy's on Grand until recently, as a new climate of criminal activity and violence has emerged and is now established at Billy's. The violence and other criminal activity is destroying our neighborhood, and the venue must be closed to restore peace.

The range of criminal activity centered around Billy's is profound. Last year I observed open drug dealing in the parking lot, in full view of patrons and staff. Closing time on the weekends typically includes cars loudly and recklessly speeding through the side streets. In one incident I watched a car skid off the road and crash into the stone wall at my house. The driver, obviously intoxicated, was able to continue driving and left the scene. Far worse than these concerns, the frequency of violence and gunfire authored by Billy's clientele is now a source of community fear each weekend in the neighborhood. The connection of this violence to Billy's is a matter of clear record, and is easily discerned by anyone who cares to inquire.

The dramatic increase in violence has been appalling and heartbreaking. Our neighborhood is suffering real danger due to the violence originating at Billy's over the past couple of years, and last week's violence has left the community incredulous, fearful, and deeply frustrated that no action has yet been taken by the City to end this dangerous scene. A community tragedy feels inevitable unless the venue is closed.

Four nights ago, gunfire erupted again after midnight as the bar crowd dispersed onto the surrounding streets, and my children all awoke and ran upstairs to tell us that there were people shooting right outside our house (they unfortunately now recognize the sound of gunfire from the earlier incidents at Billy's). We all took cover and stayed away from windows, and two minutes later there was frantic knocking on the front door. We called 911 and the police arrived shortly,

searching the area for perpetrators or victims and finding none. It is unconscionable for the City to take no action in light of the level of threat to the community we have observed. The fact that none of these bullets have struck an innocent resident yet is only due to chance. Our friends and children are being terrorized by this criminal activity, and it must be stopped before an innocent bystander is killed.

Sincerely,

Chris Arlandson
804 Lincoln Avenue
Saint Paul, MN



Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

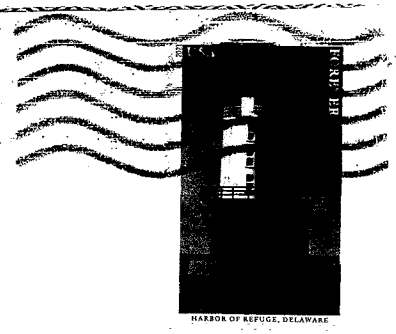
By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

Chris Arlandson
804 Lincoln Ave.
St. Paul, MN 55105

SAINT PAUL MN 550
24 AUG 2022 PM 1 L



Judge Palmer - Denig
Office of Administrative Hearings
P.O. Box 64620
Saint Paul, MN 55164

55164-062020

OAH-0387

RECEIVED
By: OAH on 8/25/2022 5:11 PM

300 South Fourth Street

Minneapolis

MN 55415

FROM

TO

Name: Terianne Bender

Phone: 6126645461 Fax: 612-664-5462

E-mail: Terianne_Bender@mnd.uscourts.gov

96515390310

Sent: 8/25/22 at: 3:07:46 PM 3 page(s) (including cover)

Subject: Re licensing of Billy's on Grand

Comments:

22 August 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

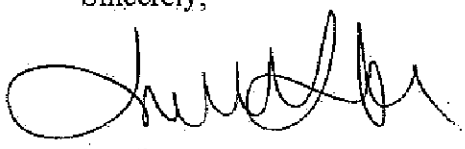
Dear Judge Palmer-Denig:

As a neighborhood member, we are writing to express our strong concern with the operations and events at Billy's on Grand Avenue. We live very close to Grand and Victoria and have for over twenty years. The safety and security events at Billy's have not occurred until the last two years, when ownership changed and have gotten significantly worse. I am aware that multiple city and other state agencies have heard from many, many neighborhood residents, including us, about the concern around safety and security at the location. They have been made aware of the multitude of incidents, including shootings at and near Billy's. We are aware that security staff has been increased but it continues to occur. It has gotten to the point that we have instructed our teenage children who frequently work or attend evening events and have to pass by the area to drive away from the Billy's location after dark but even with those measure we are concerned for their safety.

Grand Avenue is obviously a busy residential and commercial district that is important for the economic health of the city. The most recent shooting, just last week, reinforces our significant concern for safety. It has gotten to the point that many in the area, including us, are actively considering moving due to safety concerns.

It is the time to act-the liquor and restaurant licenses need to be revoked and safety and security be made a priority. I recognize the latter is a larger question and issue, but the record of events at and near this location is clear and needs action.

Sincerely,



Trudi Noel Trysla
David Schultz
885 Goodrich Avenue
St. Paul. MN 55105

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

Laura Norén

laura.noren@gmail.com Union Park, Saint Paul, MN

RECEIVED
AUG 25 2022
Office of Administrative Hearings

August 23, 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
RE: Docket 71-6020-38398

Dear Judge Palmer-Denig:

I am writing in regard to the matter of the liquor license renewal for Billy's on Grand, docket number 71-6020-38398.

As a resident living within 6 blocks of the Billy's 841 Grand Avenue location, I oppose the renewal of the liquor license. Billy's is the most frequent address to which police are called along the entirety of Grand Avenue. A man was shot there earlier this year. Despite hiring bouncers, there are still reports of fights and - increasingly - gun shots. Thirty rounds were fired there just two nights ago. Whatever efforts Billy's is making, they have not been enough to quell the violence or the drunk driving.

I cannot connect this next incident to Billy's directly, but being the only location with a wet license open until 1 am in the vicinity, when I witnessed a drunk driver smash into a tree in front of my house at 1:15 am on a Tuesday earlier this spring, I assumed the woman was coming from Billy's. The 50 - 60 year old tree has been marked by the city as too damaged to survive, leaving my home and others with less shade. These are the stories that never get tallied up in the news, but that degrade the entire surrounding neighborhood as a result of one bad commercial actor. They've had chances to reform. Things are only getting worse.

Billy's appears to be requesting an extension of its opening hours until 2 am, which is absolutely objectionable. That would only give more patrons time to become inebriated before getting behind the wheel, getting into fights, or pulling out weapons and firing them wantonly into the neighborhood, or worse, at one another.

Billy's may once have brought redeeming quality to this neighborhood at one point, but it doesn't anymore and has not turned the tide.

Please do not renew Billy's liquor license or grant any extension to their opening hours.

Sincerely yours,



Laura Norén
Resident of Union Park, 6 blocks from Billy's

PS Copies also provided to Therese Skarda and A.L. Brown.

Laura Norén
1135 Summit Ave
Saint Paul, MN 55105

SAINT PAUL MN 550
23 AUG 2022 PM 3 L

AUGUST WILSON

Judge Palmer - Denig
Office of Admin. Hearings
PO Box 64620
Saint Paul, MN 55164

55164-062020

Docket 71 6020 38398 (Billy's)

RECEIVED
AUG 25 2022
Office of Administrative Hearings

August 23, 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

RE: Billy's on Grand Administrative Hearing Docket Number: **71-6020-38398**

Dear Judge Palmer-Denig:

I am writing in response to the request for comment regarding the Billy's on Grand Administrative Hearing.

I live just a block from Billy's with my wife and daughter. Over the past 2 years, there have been several shootings and numerous street fights and assaults. Once investigated the vast majority of these incidents are tied to patrons of Billy's and/or people who have come to the establishment after hours to seek out patrons. Additionally, noise from drunken patrons leaving late at night is extremely disruptive nearly every weekend.

The incidents that have been most traumatizing for my family include:

- The September 27, 2020 shooting where two men were shot on Grand Ave. One died. We heard the yelling and the shots and the screaming.
- The assault on a woman on Avon St. on March 25th, 2022. The woman was dragged from her car and kicked and beaten in the street directly in front of our living room window. It stemmed from an argument that began at Billy's.
- The shootout on Grand Ave on June 18th, 2022 which left a bullet hole in the kitchen window belonging to my fellow APCA owner (and 3rd floor resident). I rearranged my daughter's bedroom to move her bed away from the window after that incident.
- At 1:30 this morning, August, 21st, 2022 another shootout on Grand. This time it moved from Grand to the alley directly below our bedroom windows. It was so loud it sounded like the gun was fired inside our condo. Again, I ran to my daughter's room to check on her. We all got down on the ground in case more shots were fired. It's too soon to know if this is directly tied to Billy's, but a neighbor stated it started in the Billy's parking lot.

I just don't understand how someone's right to run a business can outweigh our right to a safe environment to live in. I'm sure that if Billy's were to cease operations or move to a restaurant license, there will still be crime in our neighborhood. But, I don't think we'd continue to see this level of extreme violence on our block.

There are just too many residences, families with young children, single women, retirees, etc. who live in close proximity to Billy's on Grand. We are not choosing to go out to a bar. The bar is being forced upon us. The public safety situation in the city has changed. Maybe 5 years ago, a bar like Billy's was just an occasional nuisance. Today it's downright dangerous.

Sincerely yours,



Peter Caritas
63 Avon Street S., #38
St. Paul, MN 55015

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

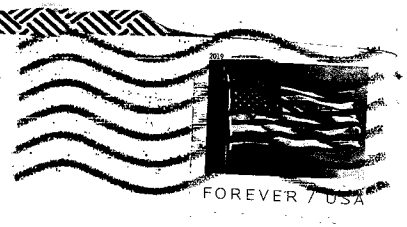
By email: therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

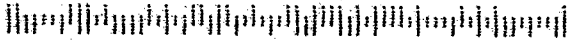
Peter Caritas
63 Avon St. S. #358
St. Paul, MN. 55105

SAINT PAUL MN 550
23 AUG 2022 PM 1 L



Judge Palmer-Denig
Office of Administrative Hearings
P.O. Box 64620
Saint Paul, MN 55164

55164-062020



OAH-039b

23 August 2022

RECEIVED
AUG 25 2022
Office of Administrative Hearings

The Honorable Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

RE: Docket #71-6020-38398 Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

My wife and I have lived in Saint Paul just over two blocks from Billy's for more than 30 years. In that time, we raised a family and frequented Billy's on Grand for casual drop-in meals, for after-tennis evening beers, for high-school hockey fundraising events, and for celebrations with friends and family. In the past we have also personally rented the back room more than once for celebrations of a graduate degree and of a neighbor and good friend's birthday.

All of this stopped ever since ownership of the bar changed from the Wengler family. The new owners have demonstrated time and time again that they don't care about the neighborhood that they should be serving, but only about their own personal interests. The bar has become a hangout for drug dealers and gang members, with all the unsavory behaviors and illegal activities that come along with it.

The activities have gotten so bad (fights, obscene language, shouting, loud vehicles, gunfire) that I have changed my driving route such that I don't drive past Billy's after dark. I am also a cyclist and when coming home from tennis on my bicycle after 10:00PM, I now cross Grand a block away instead of riding past Billy's (where I often see police cars with their lights on sitting in front of Billy's).

I also note that the illegal and unsavory activities that Billy's has attracted to their establishment has of course reached out to the neighborhood itself. We have personally heard gunshots in the area, and we have friends and neighbors who, by accident of where they happen to live, have had guns fired directly outside their homes and people knocking on their doors late at night. Parents and children alike are adversely affected by these events.

My concern is not only the detrimental effects of Billy's, but the overall pall they have cast on the neighborhood and on all the solid, safe, conscientious businesses that line Grand Avenue. One bad apple is tainting the safety and security of our entire local community. Grand Avenue is a friendly neighborhood corridor – but I will never again set foot in Billy's due to the criminal clientele that is being actively welcomed in their establishment. Billy's on Grand should be permanently shut down.

Sincerely,



Paul Schuster
816 Portland Avenue
Saint Paul, MN 55104

Copies to:

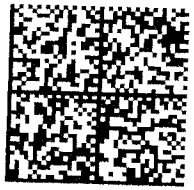
Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

Paul Schuster
816 Portland Ave.
Saint Paul, MN 55104



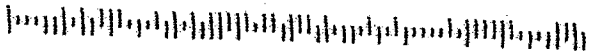
NEOPOST
FIRST-CLASS MAIL
$000.57⁰
08/23/2022 ZIP 55127
042L14831323

US POSTAGE

OAH-0399

The Honorable Judge Palmer-Denig
Office of Administrative Hearings
P.O. Box 64620
Saint Paul, MN 55164

55164$0620 B050



RECEIVED
AUG 25 2022
Office of Administrative Hearings

22 August 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

I have lived in the area of Billy's on Grand since 1986. Living in this area felt like built-in safety. Over the years, and especially during the last two years, crime has increased. I never thought I would carry pepper spray with me going on a walk. Or constantly being aware of my surroundings, in a way that is unhealthy. I feel it is a decline in a quality of life. People being accosted and robbed in broad daylight, carjackings, stolen catalytic converters all have increased severely in the last several years.

Billy's has been on Grand Avenue for a long time. I am not sure what has happened in the last few years that has led to violent crime in the area of the restaurant with fear and the reality of bullets coming into homes or hitting someone walking to his/her home. This is not acceptable here or in any part of the city.

Something needs to be done if the clientele at Billy's, the late closing time, and the level of noise of music are at the crux of this situation. The denial of Billy's licensing proposal is tantamount to the neighborhood's quality of life(not hearing loud music and fear of shootings). To me, more police and private security presence, apprehending the troublemakers, and getting them off the streets(not released on probation, or other legal means) would make people in our and all St. Paul neighborhoods, feel safer.

Sincerely,

Judith Feldman

Judith Feldman
1033 St. Clair Ave.
St Paul, MN 55105

Copies to:

Therese Skarda, Assistant City Attorney
A.L. Brown, Capitol City Law Group

SAINT PAUL MN 550
23 AUG 2022 PM 1 L

Judge Palmer-Denig
Office of Administrative Hearings
POB 64620
St. Paul, MN
55164

55164-062020

Judith Feldman
1033 St Clair Ave
St Paul, MN 55105

August 23, 2022

RECEIVED
AUG 25 2022
Office of Administrative Hearings

Judge Palmer-Derig
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN. 55164

RE: Docket # 71-6020-38398
Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Derig:

We have resided on the 800 block of Lincoln Ave in St. Paul for 36 years. We love the beauty and peace of this neighborhood with it's proximity to the businesses on Grand Ave. The disturbances that have occurred in this area in the past year are beyond anything we can tolerate.

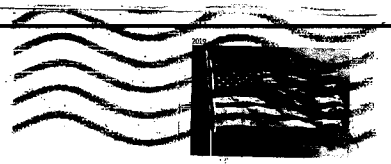
We have been awakened by gunfire twice in recent weeks between 1:30-2 AM. We have seen police videos of large, disorderly and intoxicated crowds on Grand Ave. and Victoria streets also occurring around bar closing time at Billy's. These disruptive and dangerous behaviors are becoming more frequent and will not be tolerated. Please help to restore the peace to Grand Ave and the surrounding area's.

We do not support the continued issuance of a liquor license to Billy's. all of these problems appear to emiate from the Billy's crowd. Thank-You for your consideration in this matter.

Sincerely, Pamela + Tom Newcome
830 Lincoln Ave
St. Paul, MN. 55105

Newcome
830 Lincoln Ave
St. Paul, MN. 55105

SAINT PAUL MN 550
23 AUG 2022 PM 1 L



OAH-0404

Judge Palmer - DeNig
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN. 55164

55164-062020

RE: Docket # 71-6020-38398

23 August 2022

RECEIVED
AUG 25 2022
Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

Billy's has changed dramatically and much for the worse. I do not see why we neighbors should put up with the crime, the danger, and the noise that now characterize this night club. I strongly urge that the license or licenses this business needs to continue operating be denied.

Sincerely,



Don Flanagan
91 Crocus Place
St. Paul, MN 55102

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

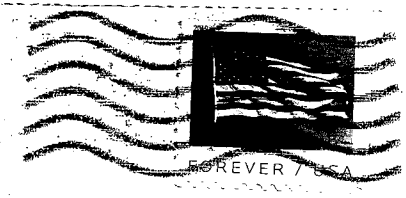
By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

FLANAGAN
91 CROCUS PLACE
ST. PAUL, MN 55102

SAINT PAUL MN 550
23 AUG 2022 PM 1 L



JUDGE PALMER-DENIG
OFFICE OF ADMINISTRATIVE HEARINGS
P.O. BOX 64620
ST. PAUL, MN 55164

55164-062020

OAH-0405

August 23, 2022

RECEIVED

AUG 25 2022

Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

RE: **Docket #71-6020-38398** pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

We are writing to express our grave concerns regarding the licensing of Billy's on Grand.

We and are 2 girls (ages 9 and 12) live in the Summit Hill neighborhood and have been proud residents of Saint Paul for years. We have been frequent patrons of several bars and restaurants on Grand Avenue throughout the years, including Billy's on Grand. Unfortunately, the current owners and operators of Billy's on Grand have demonstrated they cannot safely and properly operate the establishment, as demonstrated by the several documented serious incidents and criminal acts that have impacted us personally and our neighborhood. Just last Sunday, August 21, 2022 in the early morning, we were once again awoken to the sound of several gun shots once again stemming from an incident at Billy's on Grand. Given this incident and the prior string of incidents at this bar, we no longer feel safe visiting Grand and Victoria with our family.

Billy's on Grand is seriously jeopardizing the safety of our neighborhood and the viability of other businesses on Grand Avenue. Billy's on Grand has always been a "neighborhood bar" and a place you could grab a drink, good meal, and perhaps watch a Vikings or Twins game with friends and neighbors. That is no longer the case. Historically, the customers of Billy's on Grand have been diverse. This has nothing to do with race. What has changed are the owners and operators, who by their track record have proven they are incapable of properly operating Billy's on Grand. It's now become a place that attracts criminal behavior. That is not by coincidence. And because it is so embedded in our neighborhood, it is impacting all of our safety and the businesses that do operate responsibly.

Thank you for hearing our concerns and how the incidents at Billy's on Grand have impacted our family.

Sincerely,

/s/ Jason Lien /s/ Emerald Gratz
730 Goodrich Avenue, Saint Paul MN 55105

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

GRATZ/LIEN FAMILY
730 GOODRICH AVE.
SAINT PAUL, MN 55105

SAINT PAUL MN 550
23 AUG 2022 PM 1 L



OAH-040

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

55164-062020

August 23, 2022

RECEIVED
AUG 25 2022
Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

RE: Docket #71-6020-38398 - Billy's on Grand

Judge Palmer-Denig,

I've lived on Fairmount, near Victoria for 35 years. Years ago, Billy's was simply a nuisance, primarily because of the thousand Decibel Harley's tearing up and down Grand waking everyone up within a six-block radius at closing time. I've never thought of it as a neighborhood asset, but now, things have changed. For whatever reason, Billy's has begun to attract a new clientele, a portion of which is violent, raucous, and dangerous. You are aware of the shootings, assaults, and weekend mayhem so I won't repeat all that here.

I'm sympathetic to the plight of the owners, but I do not understand why they didn't rebrand and rename the place when they took control. It was an opportunity to create a neighborhood asset, something on the order of Salut that is supported and appreciated by the neighborhood.

I live far enough away that I don't fear errant gun shots (although I do hear them), but I have friends who live on Grand and Avon that have legitimate fears. They hesitate going out at night and deliberately schedule the times they leave late night outings so they don't come home at Billy's closing time. It's just too dangerous.

No neighborhood should be subjected to this lawlessness. I urge you to deny Billy's license. Things will only get worse if it continues this way.

Regards,

Tom Quinn
950 Fairmount Ave

Quinn
950 Fairmount Ave
St. Paul, MN 55105

SAINT PAUL MN 550
23 AUG 2022 PM 1 L



Judge Palmer-Denig
Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164

55164-062020

OAH-0411

22 August 2022

ADMINISTRATIVE HEARINGS
ADMINISTRATIVE HEARINGS

AUG 23 2022

REC'D AT LOBBY DESK
REC'D AT LOBBY DESK

Judge Palmer-Denig

Office of Administrative Hearings

PO Box 64620

Saint Paul, MN 55164

Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

My husband and I live on Lincoln Avenue between Victoria and Avon. The impact of Billy's on Grand has changed since the new ownership has taken over. We have had issues with other establishments, but we have not had concerns for our own safety until Billy's changed hands. A condo on Avon and Grand had a window shot out shortly after the resident left the room. There have been gunshots several times, and the rowdiness of the patrons has disrupted our nights. We had someone pounding on our door at 1:40 a.m. just this past Sunday, shortly after gunshots were heard.

I would like to see successful establishments on the Avenue, but I fear the activities at Billy's will negatively impact businesses like Café Latte. Billy's patrons may cause people, fearing violent activities, to avoid this neighborhood. One may not have proof that all the shooting is caused by Billy's customers, but this activity did not start until Billy's changed hands.

Please consider the significant challenges and the inability of the management to control patrons when reviewing Billy's license. A midnight curfew would be helpful in discouraging the behaviors that have been a problem for the neighborhood.

Sincerely,

Margaret & Stephen Gadient

Margaret & Stephen Gadient

809 Lincoln Avenue

Saint Paul, MN 55105

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

Gadient
809 Lincoln Ave
Saint Paul, MN 55105

Judge Palmer-Davis
600 North Robert Street
Saint Paul, MN 55101

OAH-0415

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

22 August 2022

RECEIVED
AUG 24 2022
Office of Administrative Hearings

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

About five years ago, my husband Kevin and I moved to Grand Avenue in St. Paul from Hutchinson, MN so we could be near our family. We love the bustle, activities and life of Grand Avenue. Looking out our windows helped us to survive the solitude of Covid.

We have four grandchildren we regularly spend time with at our home. Ice cream at the Creamery, cookies at Bread and Chocolate, shopping for toys at Mischief, pizza from Red Rabbit and finding books to buy at Red Balloon are regular activities we love to do with our grands. All walking distance from our corner of Grand and Avon. Having our grandchildren stay overnight is one of our favorite things.

Late-night weekends, I sometimes wake up to the sound of joking, silliness and laughing outside my window. It makes me smile, and I hope for a safe journey home for the revelers. However, at other times I hear shouting, screaming, obscene utterances, fighting and threatening words outside my window. I feel anxious, anguished, worried, overwrought. I have heard women being punched, kicked, assaulted on my street. We were witnesses to the murder that occurred in front of Billy's, heard the gunshots and experienced the anguished screams and emotional pain of the murdered man's friends who were there. This is not OK for me; it is not something I can expose my grandchildren to.

Since the murder on Grand in front of Billy's, there continue to be occurrences of guns being discharged right outside our windows. Recently, one bullet went through a window 10 feet above our kitchen window. Your Honor, how can we, in good conscience, ask our children to leave their kids in our home overnight on weekends? Is it OK to expose these children to violence in the form of physical fights, obscene utterances, gunfire and assaults? No, absolutely not. Not only is our peace being disturbed, our lives are being threatened, our grandchildren are being placed in harm's way.

Your Honor, the quality of life in our neighborhood has been negatively impacted. We do not enjoy peace and quiet on weekend nights. Our ability to live in safety and comfort has been taken from us. This is wrong and unacceptable for any neighborhood and must end.

Thank you for considering.

Sincerely,

Jean T. Johnson

Jean T. Johnson
51 Avon Street S #23
Saint Paul, MN 55105

Cc: Therese Skarda,
A.L. Brown

August 22, 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

RECEIVED
AUG 24 2022
Office of Administrative Hearings

RE: Billy's on Grand Administrative Hearing
Docket Number: 71-6020-38398

Dear Judge Palmer-Denig,

I am writing in response to the request for comment regarding the Billy's on Grand Administrative Hearing.

I live with my wife at 63 Avon Street. Our buildings stretch between Grand Ave and the alley south of Grand. Billy's is across the street on Grand. We moved here in 2012. We found it peaceful and great for people in their sixties. We love the area, and love the community.

The peaceful nature of this neighborhood has been disrupted lately by drunken people generating noise, violence and even gunshots at night, which when investigated were connected to people going to Billy's.

To name a few incidents:

- There was a shooting on September 27, 2020 where one person died.
- A woman was dragged from her car in front of our building on March 25, 2022 to be kicked and beaten.
- A shooting on June 18, 2022 left a whole in our neighbor's window, upstairs from us.
- Yesterday August 21, 2022 between 1am and 2am there was a shooting that started on Grand Avenue and continued in the alley, south of Grand, next to our window. We were informed that the Police found four casings by our bedroom window, and one casing near our garages.

We don't want anybody else killed. We don't want members of our family killed. We don't want our neighbors killed. Before it is too late, please put a stop to this. We did not see this level of violence in years past, so we never wrote about this matter. Now it is time to act. This needs to stop.

Best Regards,

Gabriel Broner
63 Avon Street South #34, St Paul, MN 55105

RECEIVED
By: OAH on 8/24/2022 2:18 PM

Date: Monday, August 22, 2022

To: Judge Palmer-Denig
Office Of Administrative Hearings
PO Box 64620
St Paul, MN 55164

also copy sent to:
① Therese.skarda@ci.stpaul.mn.us
② A.L.Brown@cclawg.com

From: Dana Wood
1042 Summit Ave
St Paul, MN 55105

RE: Docket #71-6020-38398 — Billy's on Grand, 857 Grand Ave, St Paul 55105

Our family, and individuals who periodically rent our downstairs space, live a few blocks west of Billy's on Grand. Grand Avenue and the surrounding community is a place in which we used to feel safe. We no longer feel this way due to the negative impact Billy's on Grand has burdened the community:

- **Numerous gun-related incidences** (one resulting in death)
- **Violent behavior** (customers fighting, passersbys being heckled)
- **Noise** (customers congregating loudly and car stereos blasting)
- **Reckless driving** (Billy's customers zooming at high speeds up and down Grand, and CHASE Bank parking lot being used as a turn around and congregation spot for Billy's customers after Billy's closing hours. We live adjacent to CHASE Bank, and it is like clockwork that within half hour of Billy's closing there is an exponential uptick of activity involving reckless driving, loud music, people yelling, gun shots and cars congregating on the corner of Oxford/Grand)
- **Litter** (MUCH more accumulation around Billy's than other restaurant establishments. We know, because our family walks with a bag and picks up trash every time we walk)

We used to dine at Billy's. We used to walk up and down Grand Avenue and the streets adjacent to Billy's because we took evening strolls, visited friends in the area to play cards at night, dined and shopped in and around Billy's. We no longer do these things. We, our house renters, and many of our friends have stopped dining, shopping and using services on Grand as we used to because we are concerned for our safety and want to avoid the overall negative atmosphere that the above incidences Billy's on Grand has projected onto this community.

We are concerned other businesses on Grand Avenue— restaurants, shops, services, real estate, etc — are being negatively impacted. Billy's has been in the local news a lot— it is BAD news that directly affects the way customers perceive this community.

No other restaurant/bar/business on Grand Avenue has negatively impacted this mixed residential/ business neighborhood as much as Billy's on Grand has—not even Tavern on Grand, which closes at 1am. We know Billy's management has tried to curtail its problems. For some reason it is not working. Due to the fact that Billy's management is unable to control its problems, and as much as we would like to see Billy's be a successful restaurant/bar we, unfortunately, are now convinced that it is in dire need of assistance in attaining such a stature. Specifically, we feel that it CAN attain success AND be a positive entity in the community by:

- Changing its operating hours to a closing time of no later than midnight
- Amending its liquor license so that it cannot serve alcohol after midnight

Thank you for understanding our concerns, and for taking action to help Billy's become a safe and residentially friendly asset in the community and for ALL by limiting its liquor license and closing hours to midnight or earlier.

Signed: Dana Wood 22Aug2022

22 August 2022

RECEIVED
By: OAH on 8/24/2022 2:22 PM

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

As a homeowner living approximately three blocks away from Billy's on Grand, I am writing to express my concern about the ongoing violence and criminal behavior that has been occurring at Billy's over the last three years. Police records show 69 calls to St. Paul police at Billy's in 2020, 73 in 2021 and, 6 months into 2022, there have been 96 calls for disturbances, shootings or proactive police visits. A man was shot in the chest outside Billy's in March of 2022 around 1:45am, two men were shot outside Billy's, one fatally, in Sep of 2020 around 3:00am and just last week multiple shots were fired outside of Billy's around 1:30am. Fortunately no one was injured in the latest shooting.

I believe that for the safety of the community, Billy's liquor license should be revised to prohibit the sale or consumption of alcohol after 11:00pm. This will serve to align Billy's with the alcohol licensing restrictions of nearby businesses. It will also curtail Billy's becoming an after-hours destination for patrons who have already consumed too much. The result will be a safer community with less criminal activity, while still allowing the proprietors of Billy's to serve their patrons and operate a profitable business.

I want to see Grand Avenue businesses succeed. However, the current criminal behavior that occurs primarily after 11:00pm at or outside Billy's, is negatively affecting all of the community, residents and nearby businesses alike. This potential solution is not onerous to Billy's; it will lessen crime and positively impact the community.

Sincerely,

John C. Wood

JOHN C WOOD
1042 Summit Ave
St Paul, MN 55105-3003

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

RECEIVED
By: OAH on 8/24/2022 12:22 PM

23 August 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

My family has lived within three blocks of Billy's on Grand for 22 years, first at 976 Lincoln Avenue and currently at 804 Lincoln Avenue. Over that time we have been regular patrons of Billy's on Grand until recently, as a new climate of criminal activity and violence has emerged and is now established at Billy's. The violence and other criminal activity is destroying our neighborhood, and the venue must be closed to restore peace.

The range of criminal activity centered around Billy's is profound. Last year I observed open drug dealing in the parking lot, in full view of patrons and staff. Closing time on the weekends typically includes cars loudly and recklessly speeding through the side streets. In one incident I watched a car skid off the road and crash into the stone wall at my house. The driver, obviously intoxicated, was able to continue driving and left the scene. Far worse than these concerns, the frequency of violence and gunfire authored by Billy's clientele is now a source of community fear each weekend in the neighborhood. The connection of this violence to Billy's is a matter of clear record, and is easily discerned by anyone who cares to inquire.

The dramatic increase in violence has been appalling and heartbreaking. Our neighborhood is suffering real danger due to the violence originating at Billy's over the past couple of years, and last week's violence has left the community incredulous, fearful, and deeply frustrated that no action has yet been taken by the City to end this dangerous scene. A community tragedy feels inevitable unless the venue is closed.

Four nights ago, gunfire erupted again after midnight as the bar crowd dispersed onto the surrounding streets, and my children all awoke and ran upstairs to tell us that there were people shooting right outside our house (they unfortunately now recognize the sound of gunfire from the earlier incidents at Billy's). We all took cover and stayed away from windows, and two minutes later there was frantic knocking on the front door. We called 911 and the police arrived shortly,

searching the area for perpetrators or victims and finding none. It is unconscionable for the City to take no action in light of the level of threat to the community we have observed. The fact that none of these bullets have struck an innocent resident yet is only due to chance. Our friends and children are being terrorized by this criminal activity, and it must be stopped before an innocent bystander is killed.

Sincerely,

Chris Arlandson
804 Lincoln Avenue
Saint Paul, MN

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

RECEIVED
By: OAH on 8/24/2022 10:52 AM

August 24, 2022

Judge Palmer-Denig

Office of Administrative Hearings

PO Box 64620

Saint Paul, MN 55164

Delivered by Fax: (651)539-0310

RE: Docket # 71-6020-38398

Dear Judge Palmer-Denig,

I am writing in the matter of Liquor on Sale-291 or More Seats, Liquor on Sale-Sunday, Liquor on Sale-2AM Closing, Liquor for the Establishment of "Billy's on Grand , Grand Ave – Saint Paul.

I am not in support of the 2AM Liquor License Closing Time due to Health and Safety concerns. Since ownership transfer of this business establishment, there have been numerous police calls over the last year and at least 3 shootings (that I am aware of) in the vicinity of Grand Avenue and Victoria, most of which I understand have happened late at night. The remedial actions that were imposed on the new owners earlier this spring including security that must sweep the premises have not abated the gun violence in the vicinity.

I am aware that many bar and restaurants in St. Paul neighborhoods, located on commercial streets, have 2AM liquor licenses. What is different in this situation is the frequency of police health and safety calls and the failure of the business owners to impact what is happening in and around the vicinity of their establishment. The good intentions of the business owners are not in question here; the issue is the persistence of the same problems involving gun violence (and other health and safety problems including assault) since ownership transfer. The correlation of 2AM bar closing times and health and safety calls in general and in particular with Billy's has been documented and articulated by Commander Corcoran, of the local police precinct. The transfer of the 2AM license should not occur. Instead the owners should be given an opportunity to maximize their food and beverage service during earlier hours of operation.

Thank you for your consideration of the community's comments in this matter.

Lynn McDaniel

St. Paul Resident

Cc:Therese Skarda, Assistant City Attorney

A.L.Brown, Capitol City Law Group LLC

August 22, 2022

RECEIVED

AUG 24 2022

Office of Administrative Hearings

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

Re: Docket #71-6020-38398 pertaining to licensing of Billy's on Grand

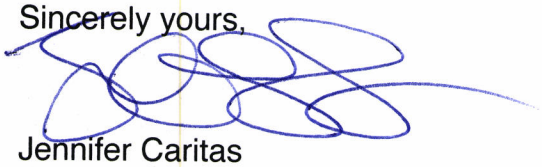
Dear Judge Palmer-Denig:

I'd like to voice my concerns about the proposed liquor license transfer for Billy's on Grand.

For the past year, those of us in the immediate vicinity of Billy's have seen a sharp uptick in violent crime that seems out of proportion to the general rise in crime in the area. While we can't, of course, attribute all of these incidents to Billy's patrons, it's clear that many of them do originate there — from the assaults on women in recent weeks and earlier in the summer, to the drive-by shooting that occurred outside Billy's late this spring. Of most concern to myself and my neighbors in the Avon Place Condominium Association are two particular shootings — the first, two months ago, sent a bullet through the window of our neighbor Griggs Nichols; the second, two nights ago, was part two of a gun fight that began in Billy's parking lot. This exchange of gunfire occurred right below our window, and was a terrifying thing to wake to — we found the shell casings the next morning.

We've recently had two of our APCA neighbors move away because of the violence stemming from Billy's, and others have been discussing this as well. We do not think that a late-night bar can easily co-exist in an otherwise quiet and residential neighborhood.

Sincerely yours,



Jennifer Caritas

63 Avon Street S. #38
Saint Paul, MN 55105
612-868-5302
jennifer@stylefish.com

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

Fax # 651-539-0310

Aug. 23 2022

RECEIVED
By: OAH on 8/23/2022 2:15 PM

2 pages

To: Judge Palmer-Derig

re: Docket # 71-6020-38398
Pertaining to licensing of
Billy's on Grand

From: Kathy Larkins
cell # 612-708-0737
Fax # 651-493-1309

August 23, 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: Docket #71-6020-38398 Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

I have lived 3 blocks from Billy's on Grand for 18 years. My husband has had an office, 1 block west of Billy's, for over 10 years. This has been a relatively quiet, residential neighborhood. During the past 3 years, we have had an increase in violent crime in Summit Hill/Crocus Hill, but also specifically on Grand Avenue. During the past year, we have had at least 8 shootings on Grand between Victoria and Avon. These shootings always happened near Billy's around closing time, between midnight and 2 am. The shooting that happened on March 5th, 2022, led to a man being injured as he was shot in the chest. The shooter, Dovyion Daquay Glass, was charged federally with possession of a firearm as a felon. In other shootings, neighbors have had bullets go through their windows, luckily not hitting anyone, yet.

Billy's seems to be attracting a different breed of client, especially near closing time, that our quiet residential neighborhood has never had to deal with in the 18 years I've lived here. This is traumatizing many of my neighbors and ruining our quality of life.

Billy's closing time needs to be NO LATER than 11pm. It can't be an option as a hangout for repeat, violent felons with guns.

Don't all of these shootings near Billy's during this past year at or around 12 midnight and 2 am speak for themselves???

Sincerely,
Kathy Larkins
880 Fairmount Avenue

Mark Larkins' office address:
889 Grand Avenue

RECEIVED
By: OAH on 8/23/2022 12:59 PM

23 August 2022

The Honorable Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

Via Facsimile, U.S. Mail and Email

RE: **Docket #71-6020-38398** Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig:

My wife and I moved from New Jersey to our home at 1052 Lincoln Avenue, Saint Paul, in 1993, where we raised our three children. Over the years, we have been regular patrons of Billy's on Grand, including renting a back room for the 50th birthday party of a good friend.

But Billy's on Grand changed for the worse in recent years—primarily since it was sold by the Wengler family. The decline started pre-pandemic but has worsened since then. What used to be a place where you could grab a burger, some wings, and a few beers has now turned into a hangout for drug-dealers and gang members.

I can recall sitting on the Billy's patio last summer (soon after outdoor dining was reopened) observing drug-dealing going on in the side parking lot—in broad daylight—with Billy's employees more interested in hanging out with the dealers than serving patrons. It was the last straw for me; a restaurant that I patronized for more than twenty years is a place to which I will not return.

My friends and neighbors who live several blocks closer to Billy's have been terrorized by the criminal activity that it attracts. Most recently, on Saturday, August 20, 2022, a fight broke at Billy's at around 10 PM, with police being called to the scene.[1] Several hours later, there was running gun battle on Lincoln Avenue (one block south of Billy's), with multiple shots fired and shell casings found in front of the homes of my friends and neighbors. Children were awakened in the middle of the night, and parents had to calm them down and try to explain what was happening.

The current owners of Billy's undoubtedly will deny a connection between these incidents, but the connection is obvious. When criminals get into a bar fight, they flee the police (if they can), round up their friends and then come back later to settle the score. There is only one business on Grand Avenue that is a haven for criminals, and it is Billy's on Grand. I would hazard to guess

[1] This fact is corroborated by police scanners, email alerts, and the sound of sirens in the neighborhood.

that the number of police calls to Billy's in the last two years (over 80) exceeds that of every other business on Grand Avenue combined.

In sum, while I regret that a Grand Avenue institution that I used to regularly patronize has morphed into a gang bar, that sadly is the case. The current owners of Billy's have proven themselves incapable of maintaining an orderly place of business; they cannot (or will not) control what goes on in their establishment and in its immediate surroundings (parking lots, alley, etc.). Billy's on Grand is now a blight on Grand Avenue and the surrounding neighborhood. It needs to be shut down permanently.

Respectfully submitted,



James Hartnett
1052 Lincoln Avenue
Saint Paul, MN 55105

Copies to:

Therese Skarda, Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102

By email: Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group,
LLC287 East Sixth Street, Suite 20
St. Paul, MN 55101

By email: A.L.Brown@cclawg.com

RECEIVED
By: OAH on 8/23/2022 12:35 PM

The UPS Store

1041 GRAND AVE
SAINT PAUL, MN 55105
PHONE: 651-222-2019
FAX: 651-222-1807
store1782@theupsstore.com

FAX

TO: Judge Palmer-Denig FROM: Lori Braston

COMPANY: Office of Administrative Hearings PHONE:

FAX #: 651-539-0310 FAX#:

DATE: 8/23/22 TOTAL PAGES: 3

*INCLUDING COVER SHEET

MESSAGE:

August 22, 2022

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164
Facsimile (651) 539-0310

RE: **Docket #71-6020-38398 Pertaining to Licensing of Billy's on Grand**

Dear Judge Palmer-Denig;

I would like to encourage you to acknowledge the many issues that have led to the adverse action against the Billy's on Grand liquor license and issue a ruling barring the current owner/management team from a liquor license.

I've lived in this neighborhood since 1996, and served on the Summit Hill District 16 Planning Council for 3 terms, from 1998-2004 and again from 2015-2018. During these times I also served on and then chaired the Zoning and Land Use Committee. In my first two terms, we grappled with the many issues regarding the Wild Onion (a block east of Billy's at 788 Grand Avenue), which went on for years and which was disturbing and disruptive to the neighborhood—public drunkenness, what would be construed as illicit/lewd behavior, noise, traffic violations, and more, in the surrounding alleyways and residential streets. There were several attempts at remediation, to no avail. It was an enormous relief to everyone in the surrounding neighborhood when the restaurant ultimately closed.

Yet, I and the surrounding community were delighted when the present building owner—Luke Shimp—applied for permits in 2018 to open Red Rabbit in the old Wild Onion space, given his exemplary track record at Red Cow on Selby and other venues. As chair of the ZLU at the time, I was eager to promote this business to the City's Legislative Hearing Officer as a very welcome addition to our neighborhood. They have proven true to their initial promises to be good neighbors. They close at 11 pm on Fridays and Saturdays, and their business appears to be thriving.

Contrast this to Billy's during the concurrent time frames. There were issues at Billy's while Wild Onion was open, but they were modest compared to those experienced with the Wild Onion. However, after the Wengler family sold the business to the present owners in early 2020, this was no longer the case, beginning with the shooting that left one person dead in October 2020. Since then, as the pandemic closures and restrictions have eased, the issues at Billy's have escalated under the same owners and new managers.

I live about 2 blocks from Billy's as the crow flies, and it isn't far enough to escape the sounds of gunshots, racing cars on Grand and Summit around closing time, and the increased reports the next day on social media of assaults, vehicle break-ins, vehicles crashing into buildings and light poles, etc. It makes what we experienced with Wild Onion seem quaint by comparison, and the pervasive feeling of anxiety is debilitating. The only other business that's open late on east Grand is Tavern on Grand (at 656 Grand), which has been under the same ownership for decades and closes at 1 am on Fridays and Saturdays. The issues traceable to their patrons have been consistently negligible in terms of quantity and severity/impact.

It is clear that Billy's current management group cannot control their patrons; they've had over two years to operate in a manner that is respectful to a predominately residential community and the small businesses along Grand, and have failed. I respectfully ask that a) they are not awarded a liquor license or, if they are, that it be limited to wine and beer; and b) that there be a mandatory closing time of no later than 11 pm.

Thank you for your consideration.

Sincerely,



Lori Brostrom
710 Summit Avenue Apt. 1
St. Paul, MN 55105

cc:
Therese Skarda, Assistant City Attorney
Therese.skarda@ci.stpaul.mn.us

A.L. Brown, Capitol City Law Group,
A.L.Brown@cclawg.com

Judge Palmer-Denig
Office of Administrative Hearings
P.O. Box 64620
Saint Paul, MN 55164

RECEIVED

AUG 22 2022

Office of Administrative Hearings

Docket #71-6020-38398
Pertaining to licensing of Billy's on Grand

Dear Judge Palmer-Denig,

Maintaining a safe and peaceable neighborhood doesn't happen by accident: It takes cooperation, civic-mindedness, kindness, and genuine concern on the residents' part. That description has applied to the Summit Hill neighborhood over most of the nine years my wife and I have lived here, but the current management of Billy's on Grand, a bar at Grand Avenue and Victoria Street, doesn't seem to have much regard for those values. It looks as if they set up shop in the neighborhood without first bothering to get a sense of what the neighborhood is like, and it's proving to be an uncomfortable fit.

For a time, Billy's had serious crime and disturbance problems under its previous management, during the first or second year of the pandemic; in fact, a patron was shot to death directly across the street. Unfortunately, except for the fact that nobody else has died (yet), that record has not improved much. Police calls have been regular, in response to a range of crimes and disturbances, climaxing recently in gunfire that sent a stray bullet through our neighbor's third floor window at midnight, missing him by just a few feet.

The bar has become enough of a magnet for trouble that now, whenever anything illegal or dangerous or disruptive happens in the area at night, Billy's is the first thing that comes to mind: Either it must have happened at Billy's, or it must have been perpetrated by someone who just left Billy's or by someone who was driving by Billy's. On multiple occasions over the last several months, items on the *Villager* newspaper's crime log page have described incidents connected in one way or another with Billy's on Grand.

The question is, why should an establishment with that sort of profile sit in the middle of a neighborhood that's otherwise peaceful and law-abiding? The fact is, there is not a single lot on Grand Avenue from Dale Street all the way to the University of St. Thomas that is suitable for a loud, late-opening nightclub that consistently attracts unruly customers. Those of us who live near Billy's are tired of worrying whether our streets will be safe to walk, and tired of wondering whether we'll be allowed to sleep all the way through a weekend night. In an area zoned for combined commercial and residential uses, no single commercial property has the right to hold its residential neighbors hostage by making them fear for their safety and peace of mind.

Billy's is currently operating under the previous management's license while their own application goes through the approval process. That license allows for a 2AM closing time. The police have established that, due to the later hours, the bar attracts customers from bars in other neighborhoods that close at midnight. Their arrival creates a wave of noise and disturbance at the midnight hour (which in Summit Hill definitely qualifies as late night), which can be followed by another wave at 2AM as they leave.

The management's position has apparently been that as long as they police their actual premises they have fulfilled their obligations. But we neighbors are acutely aware of what happens after the patrons walk out the door—that's when they stop being Billy's on Grand's problem and suddenly become *our* problem. We have made a long-running appeal for a midnight closing time on weekends—as the police recommend—but the management has shown no interest. As a result, revocation of their liquor license looks like the most effective, perhaps the only effective, option. That is an unfortunate measure to advocate, since we want to get along with all our local businesspeople, but, again, we are not willing to be held hostage, nor to sacrifice the essential character of the neighborhood.

It's important not to skate around the issue of race here. The Summit Hill neighborhood is predominantly white, whereas the Billy's management is Black, as are many of the late-night customers. This has opened up the possibility that someone would play the race card, and that's what the management seem to be doing, speaking of "perceptions" about Billy's and asking why they are being treated differently from other businesses in the neighborhood—as if the shootings, assaults, public indecency, and late-night disturbances were just figments of our imagination. But those "perceptions" are all concretely documented in the police record and in the letters sent by local people to Councilwoman Noecker and other parties.

Perhaps the most objectionable thing about hinting that racism is behind our complaints is that it suggests that only white people care about their neighborhoods. It seems to say that if this neighborhood were more Black, the residents would have less objection to crime and disturbance and unsafe streets. That is insulting to people of color, and if I as a Caucasian were to voice that opinion in public, it simply would not be tolerated.

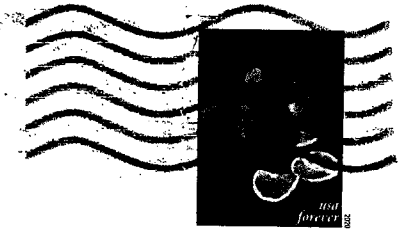
I, my wife, and my Summit Hill neighbors appreciate your serious consideration of this matter and ask for your support.

Many thanks for your time,

Barry Foy
57 Avon St. S., #30
St. Paul, MN 55105
foodfoy@yahoo.com

FOY
57 AVON ST. S., #30
ST. PAUL, MN 55105

SAINT PAUL MN 550
18 AUG 2022 PM 4 L



JUDGE PALMER-DENIG
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
ST. PAUL, MN 55164

55164-062020

chestnut cambronne
ATTORNEYS AT LAW

Chestnut Cambronne PA
100 Washington Avenue South
Suite 1700
Minneapolis, MN 55401-2138
T 612.339.7300
F 612.336.2940

www.chestnutcambronne.com

August 17, 2022

RECEIVED
By: OAH on 8/17/2022 10:55 AM

VIA FAX
Therese A. Skarda
Office of the City Attorney
15 Kellogg Blvd. West, Suite 400
Saint Paul, MN 55102
FAX No.: 651-539-0310

Re: **Notice of Withdrawal of Attorneys of Record** - In the matter of Liquor on Sale -291 or More Seats, Liquor on Sale- Sunday, Liquor on Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group, doing business as Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul.

Dear Ms. Skarda,

Please be advised that Jeffrey C. O'Brien and Dennis B. Johnson, the attorneys of record in the above-named matter, have withdrawn from representation. It is our understanding that attorney A.L. Brown is now the attorney of record.

Sincerely,
CHESTNUT CAMBRONNE PA

Dated: 8/17/2022 /Dennis B. Johnson/
Signature of Party/Agency or Attorney

Dated: 8/17/2022 /Jeffrey C. O'Brien/
Signature of Party/Agency or Attorney

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

August 16, 2022

VIA EMAIL ONLY
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

VIA EMAIL ONLY
A.L. Brown
Capitol City Law Group, LLC
287 E Sixth St Ste 20
Saint Paul, MN 55101
A.L.Brown@cclawg.com

VIA EMAIL ONLY
Jeffrey O'Brien
Dennis B. Johnson
Chestnut Cambronne PA
100 Washington Ave S Ste 1700
Minneapolis, MN 55401
jobrien@chestnutcambronne.com
djohnson@chestnutcambronne.com

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 71-6020-38398

Dear Parties:

Enclosed and served upon you please find the **NOTICE OF PUBLIC COMMENT PERIOD AND POST-HEARING SCHEDULING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7857, nichole.helmueller@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

NICHOLE HELMUELLER
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul	OAH Docket No.: 71-6020-38398

On August 16, 2022, a true and correct copy of the **NOTICE OF PUBLIC COMMENT PERIOD AND POST-HEARING SCHEDULING ORDER** was served by United States mail, unless otherwise indicated below, addressed to the following:

VIA EMAIL ONLY
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

VIA EMAIL ONLY
A.L. Brown
Capitol City Law Group, LLC
287 E Sixth St Ste 20
Saint Paul, MN 55101
A.L.Brown@cclawg.com

VIA EMAIL ONLY
Jeffrey O'Brien
Dennis B. Johnson
Chestnut Cambronne PA
100 Washington Ave S Ste 1700
Minneapolis, MN 55401
jobrien@chestnutcambronne.com
djohnson@chestnutcambronne.com

OAH 71-6020-38398

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

NOTICE OF PUBLIC COMMENT PERIOD AND POST-HEARING SCHEDULING ORDER

This matter came before Administrative Law Judge Jessica A. Palmer-Denig for a hearing on August 15 and 16, 2022.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City). A.L. Brown, Capitol City Law Group, LLC, appeared on behalf of Respondent Randall Johnson and RJMP Group d/b/a Billy's on Grand (Licensee).

Based upon the record herein,

IT IS HEREBY ORDERED:

1. **Public Comment Period:** Pursuant to St. Paul Legislative Code § 310.05(c), members of the public are permitted to submit written statements regarding this matter.

2. **How to Submit Written Statements:** Statements must comply with the following requirements:

   a. Statements must be received by the Office of Administrative Hearings no later than **4:30 p.m.** on **August 26, 2022**.

   b. Statements must be labeled with the docket number for this proceeding (71-6020-38398) and may be submitted in one of the following ways:

1) By U.S. Mail addressed to:

Judge Palmer-Denig
Office of Administrative Hearings
PO Box 64620
Saint Paul, MN 55164

2) Personal Delivery to the following address:

Judge Palmer-Denig
600 North Robert Street
Saint Paul, MN 55101

3) By facsimile to (651) 539-0310.

c. Any persons submitting a statement to the Office of Administrative Hearings must also provide a copy of that statement to counsel for both parties by U.S. Mail or email as follows:

Therese Skarda
Assistant City Attorney
Office of the City Attorney
400 City Hall & Courthouse
15 W. Kellogg Blvd.
Saint Paul, MN 55102
Therese.skarda@ci.stpaul.mn.us

A.L. Brown
Capitol City Law Group, LLC
287 East Sixth Street, Suite 20
St. Paul, MN 55101
A.L.Brown@cclawg.com

3. **Written Closing Arguments:** The parties shall file simultaneous written closing arguments and responses to public comments not later than **4:30 p.m.** on **September 23, 2022**. The parties shall submit simultaneous written responsive closing arguments not later than **4:30 p.m.** on **September 30, 2022**.

4. **Transcript:** If a transcript is prepared, the transcript shall be filed into the record in this matter not later than **September 30, 2022**.

5. **Close of the Record:** The record will close upon receipt of the parties' final filings on **September 30, 2022**.

Dated: August 16, 2022



JESSICA A. PALMER-DENIG
Administrative Law Judge



EXHIBIT
100

tabbies

OAH-0442

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED
By: OAH on 8/11/2022 1:21 PM

OAH Docket Number: OAH 22-6020-38398

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale –Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul;

NOTICE OF APPEARANCE

1. The party named below will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**[1]

3. The Party agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's Name: Randall Johnson, RJMP Group d/b/a Billy's On Grand

Email: Contact through counsel

Party's Attorney: A.L. Brown

Firm Name: Capitol City Law Group, LLC

Email: A.L.Brown@cclawg.com Telephone: 651 705-8580

Mailing Address: 287 East Sixth Street, Suite 20 Saint Paul, Minnesota 55101

Opposing Party's Name: Ms. Therese Skarda

Email: therese.skarda@ci.stpaul.mn.us Telephone: _____

Mailing Address: Office of the City Attorney, Civil Division,15 Kellogg Blvd. West 400 City Hall St. Paul, MN 55102

Dated: 8.11.22

_____
Signature of Party/Agency or Attorney

[1] In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. *See* 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2017).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

chestnut cambronne
ATTORNEYS AT LAW

Jeffrey C. O'Brien
Direct Dial: (612) 336-1298
jobrien@chestnutcambronne.com

Chestnut Cambronne PA
100 Washington Avenue South
Suite 1700
Minneapolis, MN 55401-2138
T 612.339.7300
F 612.336.2940

www.chestnutcambronne.com

RECEIVED
JUL 29 2022
Office of Administrative Hearings

July 26, 2022

VIA EMAIL AND MAIL

Ms. Therese Skarda
Assistant City Attorney
Office of the City Attorney
Civil Division
15 Kellogg Blvd. West
400 City Hall
St. Paul, MN 55102

therese.skarda@ci.stpaul.mn.us

Re: In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale – Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul; OAH 22-6020-38398

Dear Ms. Skarda:

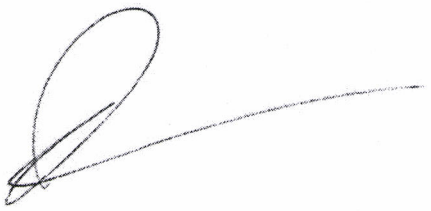
Below is the list of witnesses which the licensee may call to testify. If I add any witnesses to this list, I will provide you with that information.

1. Commander Joshua Lego St. Paul Police Department, Western Command
2. Bill Wengler, previous owner of Billy's on Grand and property owner
3. Julia Livingstone, Neighbor
4. Armaiti Prosch, Neighbor
5. Michelle Plombon, Neighbor
6. Chuck Gilbert, Operator, Billy's on Grand
7. Wesley Spearman, Owner, DWD Group, LLC, manager of Billy's on Grand
8. Luke Ponder Director of Security Billy's on Grand/M.I.B Security

At this time, the licensee does not intend to introduce any exhibits beyond those that the City intends to introduce. Again, if I have any additions to those exhibits I will provide those to you as well.

Sincerely,

CHESTNUT CAMBRONNE PA



Jeffrey C. O'Brien

cc: Dennis B. Johnson, Chestnut Cambronne PA
Wesley Spearman
Chuck Gilbert

In the matter of Liquor on Sale -291 or More Seats, Liquor on Sale- Sunday, Liquor on Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group, doing business as Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul.

AFFIDAVIT OF SERVICE

Max M. Larson states under penalty of perjury that on **July 27, 2022**, that he served the attached **WITNESS LIST** and a correct copy thereof in an envelope addressed as follows:

Judge Jessica A. Palmer-Denig,
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

by mailing a copy thereof, enclosed in an envelope, postage prepaid, and depositing same in the post office in Minneapolis, Minnesota, and via e-mail to shawn.mcdonald@ci.stpaul.mn.us

I swear under penalty of perjury that everything I have stated in this document is true and correct.

STATE OF MINNESOTA

COUNTY OF HENNEPIN

/s/ Max M. Larson 7/27/2022

Max M. Larson, Paralegal Date

Chestnut Cambronne PA

100 Washington Avenue South, Suite 1700

Minneapolis, MN 55401

612-336-1285

mlarson@chestnutcambronne.com

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

July 26, 2022

RECEIVED
JUL 29 2022
Office of Administrative Hearings

Judge Jessica A. Palmer-Denig, Administrative Law Judge,
Office of Administrative Hearings,
P.O. Box 64620,
St. Paul, MN 55164-0620

VIA U.S. MAIL

RE: In the Matter of the Liquor On Sale – 291 or More Seats, Liquor On Sale – Sunday, Liquor On Sale – 2AM Closing, Liquor Outdoor Service Area – Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul
License No: 202000000158
OAH Docket No.: 71-6020-38398

Dear Judge Jessica A. Palmer-Denig:

Find enclosed and served upon you the following:

1. Ex. No. 24 Copy of Surveillance Video from March 4 and March 5, 2022
2. Ex. No. 25 Copy of Surveillance Video from March 12 and 18 (Restroom hallway view)
3. Ex. No. 26 Copy of Surveillance Video from March 12, 2022
4. Ex. No. 27 Copy of Surveillance Video from March 18, 2022

Please contact me or Therese Skarda, Assistant City Attorney, with any questions at 651-266-8710.

Sincerely,

Shawn McDonald
Civil Division Paralegal

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Email: Shawn.mcdonald@ci.stpaul.mn.us

Enclosure

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

July 27, 2022

VIA EMAIL ONLY
Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 71-6020-38398

Dear Ms. Skarda:

Pursuant to your request received July 25, 2022, please find enclosed the subpoena you requested.

If you have any questions, please contact me at (651) 361-7943, dara.xiong@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

DARA XIONG
Legal Assistant

Enclosure

Make checks payable to:
State of Minnesota
Office of Administrative Hearings
PO Box 64620
St. Paul, MN 55164-0620

SUBPOENA CHARGES

DATE: December 20, 2022

OAH FILE NUMBER: 71-6020-38398

OAH CASE TITLE: In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

REQUESTED BY: Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102

Sale of Subpoenas:	1	subpoena x $5.00 per subpoena=	$5.00

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

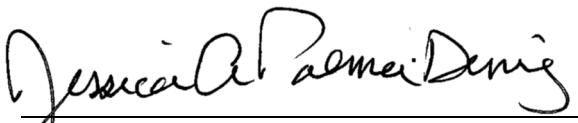
HEARING SUBPOENA

TO: Officer Albert Lyfoung, Saint Paul Police Department, 367 Grove Street, Saint Paul, Minnesota 55101

This subpoena is issued pursuant to Minn. Stat. § 14.51 (2020).

You are commanded to appear before Administrative Law Judge Jessica A. Palmer-Denig of the Office of Administrative Hearings of the State of Minnesota, at the Office of Administrative Hearings, 600 North Robert Street, in the city of St. Paul, Minnesota, on August 15-16, 2022, at 10:30 a.m., to appear as a witness *In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area – Patio, and Entertainment B license held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul,* docket number 71-6020-38398.

Dated: July 27, 2022



JESSICA A. PALMER-DENIG
Administrative Law Judge

Subpoena requested by: Therese Skarda
(651) 266-8755
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

RECEIVED
By: OAH on 07/26/2022 4:38pm

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Shawn McDonald, being first duly sworn, deposes and says that on the 26th day of July, he served the attached **CITY'S PROPOSED EXHIBITS, EXHIBIT LIST, AND WITNESS LIST** and a correct copy thereof in an envelope addressed as follows:

Dennis Johnson, Attorney
Jeffrey C. O'Brien, Attorney
Attorneys at Law
Chestnut Cambronne, PA
100 Washington Avenue South, Suite 1700
Minneapolis, MN 55401

Judge Jessica A. Palmer-Denig,
Administrative Law Judge
Office of Administrative Hearings
P.O. Box 64620
St. Paul, MN 55164-0620

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 26th day of July 2022

Julie Anne Kraus
Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

OAH 71-6020-38398

OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE COUNCIL OF THE CITY OF SAINT PAUL

In Re: Liquor on Sale –291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group, doing business as Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul.

INDEX OF CITY'S
PROPOSED EXHIBITS

DATE: July 26, 2022

TO: Judge Jessica A. Palmer-Denig - Office of Administrative Hearings, 600 North Robert Street. Dennis B. Johnson, Jeffrey O'Brien, Chestnut Cambronne, Counsel for Randall Johnson, RJMP Group, d/b/a Billy's on Grand.

The following constitutes a list of the City's proposed exhibits for the August 15, 2022, administrative hearing:

Exhibit No. Description

Ex. No. 1 February 1, 2022 Notice of Violation and Request for Imposition of License Conditions and $500 Matrix Penalty (36 pages)
Ex. No. 2 February 8, 2022 email noting that first matrix penalty of $500 had been paid (1 page).
Ex. No. 3 March 4, 2022 copy of additional license conditions signed (2 pages).
Ex. No. 4 Signature Copy of RES 22-311 imposing additional license conditions as part of the approving adverse action (3 pages).
Ex. No. 5 May 9, 2022 Notice of Violation and Request for Imposition of $1,000 Matrix Penalty (10 pages).
Ex. No. 6 STAMP - Ownership/Zoning Information (1 page).
Ex. No. 7 Screenshot from Eclips System with License Contact and Address (2 pages).
Ex. No. 8 License Group Comments Text (2 pages).
Ex. No. 9 March 8, 2022, letter requesting surveillance video (1 page).
Ex. No. 10 March 28, 2022 , letter requesting surveillance video (1 page).
Ex. No. 11 April 20, 2022 letter requesting surveillance video (1 page).
Ex. No. 12 Email from Eric Hudak to Manager about Camera Service History (3 pages).
Ex. No. 13 Note of Camera Service - August 18, 2021 (1 page).
Ex. No. 14 Note of Camera Service - November 1, 2021 (1 page).
Ex. No. 15 Note of Camera Service - February 7, 2022 (1 page).
Ex. No. 16 Note of Camera Service - March 16, 2022 (1 page).
Ex. No. 17 Saint Paul Police Call Log May 6, 2021 - May 6, 2022 (1 page).
Ex. No. 18 Saint Paul Police Report, Case Number 22036672 (1 page).
Ex. No. 19 Saint Paul Police Report, Case Number 22036746 (1 page).
Ex. No. 20 Saint Paul Police Report, Case Number 22042088 (1 page).

Ex. No. 21 Saint Paul Police Report, Case Number 22045710 (6 pages).
Ex. No. 22 Saint Paul Police Report, Case Number 22077852 (13 pages).
Ex. No. 23 Photo Stills from March 5, 2022 Surveillance Video (8 pages).
Ex. No. 24 Copy of Surveillance Video from March 4 and March 5, 2022
Ex. No. 25 Copy of Surveillance Video from March 12 and 18 (Restroom hallway view)
Ex. No. 26 Copy of Surveillance Video from March 12, 2022
Ex. No. 27 Copy of Surveillance Video from March 18, 2022
Ex. No. 28 Renotification Letter from Summit Hill Association (5 pages)

Also attached please find courtesy copies of applicable City of Saint Paul city ordinances:

Saint Paul Legislative Code § 310
Saint Paul Legislative Code § 409

Respectfully submitted the 26th day of July 2022

Therese Skarda /s.m.

Therese Skarda, Assistant City Attorney
License No: 0240989
Office of the City Attorney
400 City Hall & Courthouse
15 West Kellogg Boulevard
Saint Paul, Minnesota 55102
(651) 266-8755

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

July 26, 2022

Dennis Johnson, Attorney
Jeffrey C. O'Brien, Attorney
Attorneys at Law
Chestnut Cambronne
17 Washington Avenue North, Suite 300
Minneapolis, MN 55401-2048

RE: In Re: Liquor on Sale –291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group, doing business as Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul.
License ID #: 20200000158
OAH Docket No. 71-6020-38398

Dear Mr. Johnson and Mr. O'Brien:

Enclosed are the proposed exhibits the City may use at the August 15-16 administrative hearing. If there are any additions to these exhibits, I will provide those to you. Also, below is the list of witnesses the City may call to testify. If I add any witnesses to this list, I will provide you with that information as well.

1. Eric Hudak, DSI Licensing Manager, 375 Jackson Street, Ste. 220, St. Paul, MN 55101. (651) 266-9132.
2. Sergeant Charles Graupman, DSI Liaison, 375 Jackson Street, Ste. 220, St. Paul, MN 55101 (651) 266-9065.
3. Officer Albert Lyfoung, Saint Paul Police Department
4. Neighbors from surrounding area may wish to testify

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Sincerely,

Therese Skarda
Assistant City Attorney
License No: 0240989

Enclosures

Cc: Judge Jessica A. Palmer-Denig, Administrative Law Judge, Office of Administrative Hearings, P.O. E
64620, St. Paul, MN 55164-0620

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Shawn McDonald, being first duly sworn, deposes and says that on the 1st day of February, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF LICENSE CONDITIONS AND $500 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

RJMP Group Inc.
d/b/a Billy's On Grand
857 Grand Avenue
St. Paul, MN 55105-3377

Randall Johnson
7504 269th Avenue Northeast
Stacy, MN 55079

East Mall Associates
857 Grand Avenue
Saint Paul, MN 55105-3377

Wesley Spearman
204 McCarrons Blvd
Saint Paul, MN 55113

Monica Haas, Executive Director
Summit Hill Association
860 Saint Clair Avenue West
Saint Paul, MN 55105

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 1st day of February 2022

Julie Anne Kraus
Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

EXHIBIT
tabbies
1-1

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

February 1, 2022

NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
LICENSE CONDITIONS AND $500 MATRIX PENALTY

RJMP Group Inc.
d/b/a Billy's On Grand
857 Grand Avenue
St. Paul, MN 55105-3377

RE: Liquor on Sale -291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group, doing business as Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul. License ID #: 20200000158

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Liquor on Sale -291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by R Randall Johnson, RJMP Group, ("Licensee") herein for the premises known as Billy's on Grand located at 857 Grand ("Licensed Premises") based on violations of your license conditions.

Records at the Department show that this is your first violation within one year.

Under Saint Paul Legislative Code Section 409.08 (5), "Every licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business."

Under Saint Paul Legislative Code Section 409.08 (15), "Each on-sale shall have the responsibility of taking reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage, and the failure to do so may subject such licensee to adverse action against his or her license."

Saint Paul Legislative Code Section 409.09 (3) makes it unlawful for act on the licensed premises which "encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person."

EXHIBIT
tabbies
1-2

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based. Section 310.06(b)(8) says that adverse action can be pursued when the "licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public".

Saint Paul Legislative Code Section 310.05 (m)(2) sets the presumptive penalty for a first violation of provisions of the legislative code relating to the licensed activity at a $500 matrix penalty for a first violation.

Background:

Western District Command made Sgt. Graupman, the SPPD officer assigned to DSI, aware of numerous "quality of life" police calls that they had responded to at the Licensed Premises.

Sgt. Graupman reviewed the police call records and noted that in the past one year period between (1/20/21 & 1/20/22), the Licensed Premises has generated (78) calls for police service and that (20) of those calls were deemed as "Quality of Life" type calls. "Quality of Life" type calls have a direct and negative impact on the surrounding neighboring residential community.

Sgt. Graupman was also advised that the uptick in calls and call types have generated both community concern and have consumed a vast amount of police resources.

Sgt. Graupman was asked to review a number of Case numbers ("CN's") related to Disturbances, Fights, & Assault that the St. Paul Police Department responded to on October 30, 2021 - October 31, 2021 and November 12, 2021 - November 13, 2021. The CN's referenced include: CN 21-227-098, 21-227-308, 21-227-390, 21-236-030 and 21-242-619.

Based on his initial review, Sgt. Graupman worked with DSI Licensing Manager Eric Hudak to draft a formal request for all interior and exterior surveillance video from the business, which is a required condition of their business license (condition #4). The request required video from Saturday, October 30, 2021 from 10:00 p.m. until 1:30 a.m. on Sunday, October 31, 2021 and again on Friday, November 12, 2021 from 10:30 p.m. until 1:30 a.m. on Saturday, November 13, 2021. The Licensee produced the requested video and it was reviewed by Sgt Graupman and DSI Staff.

EXHIBIT
tabbies
1-3

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Violations of license conditions and Saint Paul Legislative Code were observed and Sgt. Graupman pulled out still photographs from the video. These are the basis for the Department's request for adverse action.

Violation #1:

- Permitting a person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person. - Saint Paul Legislative Code Section 409.09 (3)
- Failure to maintain order - Saint Paul Legislative Code Section 409.08 (5).
- Operating the Licensed Premises in a manner that maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public - Saint Paul Legislative Code Section 310.06(b)(8).

Violation #1 Facts:

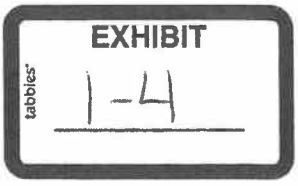
Sgt. Graupman's report details that while viewing the surveillance video from October 30, 2021 to October 31, 2021, he observed a couple engaged in a sexual act at approximately 1:24 hours on October 31, 2021. Based on the actions of the couple he believed they were engaging in sexual intercourse on a patio bench in the closed patio bar. During the time that Sgt. Graupman observed the behavior, security was not observed conducting sweeps of the patio area or monitoring it in any manner.

Violation #2:

- Failure to maintain order - Saint Paul Legislative Code Section 409.08 (5).
- Operating the Licensed Premises in a manner that maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public - Saint Paul Legislative Code Section 310.06(b)(8).

Violation #2 Facts:

While watching the surveillance video produced by the Licensee Sgt. Graupman observed a St. Paul Police Officer enter the patio area from the parking lot to investigate a 911 call that was placed at the business for a Disturbance-Fight. This incident involved multiple people and security was reported to be using a chemical irritant to control the crowd. (Ref CN 21-227-098).



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Sgt. Graupman noted that on Channel 06 and 09 of the video, which was taken near the front bar at 1:03 a.m., a group of 8-10 younger bar patrons, are seen on standing east of the front bar area. They begin to verbally argue. The argument escalates and several of the patrons throw their drinks at one another. At this point, security attempts to separate the group. The argument escalates further and individuals are seen pushing, chairs are thrown and punches are exchanged. This caused several patrons to be knocked to the ground. One male, who appears heavily intoxicated, then slips on the floor after being pushed and lands on his back and his head hits the floor. As the male is on the floor another patron then begins to physically assault him by kicking him in the groin area. Security then deploys a chemical irritant to disperse the crowd. The fight continues for a short while and eventually concludes as patrons make their way to the exits of the bar.

Violation #3

Licensee failed to take reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage and the failure to do so may subject such licensee to adverse action against his or her license." Saint Paul Legislative Code Section 409.08 (15).

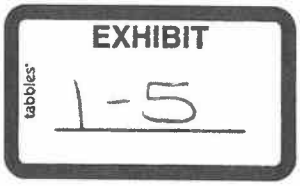
Violation #3 Facts:

Sgt. Graupman also observed and pulled still photographs from Channel 01, 08, & 19 (Rear Bar, Patio, Parking lot) at 11:51 p.m. of a patron purchasing a beer and later leaving the Licensed Premises with the alcoholic drink. The security footage shows the patron leaving the front patio area with the beer at 1:05 a.m. with the purchased drink and that staff failed to stop the patron. The patron is again captured on video walking South through the parking lot and off the premises.

Based on the violations outlined above, the Department has proposed changes and additions to your license conditions.

- Condition #2 is being eliminated based on updates to the off-street parking requirement amendment in the zoning ordinance.
- Additions to license conditions and additional license conditions are underlined.
- Deleted license conditions are noted with strike out.

The Department believes that the proposed license conditions will sufficiently improve safety and help ensure the well-being of staff, patrons and the surrounding community and help you better manage the activity at the Licensed Premises.





SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served or consume alcohol.

2. ~~The extension of service as a result of the renovation of the patio area is subject to the consent for the use of three (3) off-street parking spaces from an adjacent parking lot located to the west of the business in accordance with City Zoning regulations.~~

3. Per Fire Inspection Certificate of Occupancy (CofO), occupancy limit is 285 when billiard tables are in the establishment, and 297 when all billiard tables are removed from the premises.

4. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

5. License holder shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the licensed liquor service area(s) as well as sufficient roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.

6. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.

7. License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s).

SAINT PAUL
CITY ATTORNEY

EXHIBIT
tabbies
1-7

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

8. Whenever the establishment is open past 11:00 p.m. no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **February 15, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy.

2. You can pay the $500 matrix penalty and agree to the additional license conditions. If this is your choice, you should make payment and send the signed license conditions back to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **February 15, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the $500.00 matrix penalty and agreement to the additional conditions will be considered a waiver of the hearing to which you are entitled.

3. If you wish to admit the facts but you contest either or both the $500 matrix penalty or additional license conditions, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **February 15, 2022.** The matter will then be scheduled before the City Council to determine whether to impose the $500 matrix penalty and/or additional license conditions. You will have an opportunity to appear before the Council and make a statement on your own behalf.

4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **February 15, 2022.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

If you have not contacted me by February 15, 2022, I will assume that you do not contest the imposition of the $500 matrix penalty and additional license conditions. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Shawn McDonald at (651) 266-8729.

Sincerely,

Therese Skarda /sm.

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Randall Johnson; 7504 269th Avenue Northeast, Stacy, MN 55079
East Mall Associates; 857 Grand Avenue, Saint Paul, MN 55105-3377
Wesley Spearman; 204 McCarrons, Saint Paul, MN 55113
Monica Haas, Executive Director, Summit Hill Association, 860 Saint Clair Avenue West, Saint Paul, MN 55105

Attachments:

- Exhibit 1 - STAMP – Ownership/Zoning Information, License Group Conditions Text, License Group Comments Text
- Exhibit 2 - Saint Paul Police Reports, Photo Stills, Photo Stills, November 24, 2021 Letter requesting video from Licensing Manager Eric Hudak
- Exhibit 3 - Video produced by Licensee

EXHIBIT
tabbies 1-8

STAMP - Ownership / Zoning Information

New Search Help using this report

Run Date: 01/12/22 03:14 PM

House#: 857

Last updated from Ramsey County data on:

Street Name: grand

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

843 Grand Ave / 845 Grand Ave / 849 Grand Ave / 857 Grand Ave - Billy'S On Grand - 55105-3398 - Other Applications

PIN: 022823420125	**Census Track:** 42900	**Census Block:** 4002	**Council Ward:** 2	**District Council:** 16
Year Built:	**Foundation Sq Feet:**	**Loan Company:** 90 Cherokee S	**Land Value:** 1705000	**Building Value:** 2517900
Existing Primary Use: C-Restaurant/Bar	**Legality of Use:**		**Occupancy Group Type:** A-2	**Units:** 0

Zoning: B2 / HPC: Historic / General: EG East Grand Ave / Sign: SSD-GA Grand Ave

Heritage Preservation: **HP Inventory #:** RA-SPC-1344 / **HP Property Name:** Bingham & Norton / **HP Architect/Builder:** Day, Beaver Wade / General Construction Company / **HP Date Built:** 1915 / **HP Address:** 851-857 Grand Ave. W

Legal Desc: SUMMIT PARK ADDITION TO,ST. PA LOTS 15 16 17 AND LOT 18 BLK 18

Owner:
East Mall Associates
857 Grand Ave
St Paul MN 55105-3377
651-292-1315

Certificate of Occupancy Responsible Party:
East Mall Assoc/Bill Wengler
857 Grand Ave
St. Paul MN 55105
651-292-1315

EXHIBIT
tabbies
1-9

License Group Conditions Text 01/12/2022

Licensee: RJMP GROUP INC

DBA: BILLY'S ON GRAND

License #: 20200000158

1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served alcohol.
2. The extension of service as a result of the renovation of the patio area is subject to the consent for the use of three (3) off-street parking spaces from an adjacent parking lot located to the west of the business in accordance with City Zoning regulations.
3. Per Fire Inspection Certificate of Occupancy (CofO), occupancy limit is 285 when billiard tables are in the establishment, and 297 when all billiard tables are removed from the premises.
4. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.



License Group Comments Text 01/12/2022

Licensee: RJMP GROUP INC

DBA: BILLY'S ON GRAND

License #: 20200000158

12/10/2021 Revised invoice was e-mailed to me from Wesley that he received from Ross on 12/03/2021 in the amount of $2,300.00. This amount was paid for over the phone via credit card. The e-mail and revised invoice have been placed in the Project Facilitator bin. LKK
12/02/21 Prorate 3 addtional months which ends on 1/1/22. Total due is $1,725.99. RJH
08/02/2021 Rec'd $1,150.66 to prorate fees from 08/01/2021 to 10/01/2021. LAB
07/30/21 Prorating fees for all licenses for another 2 months. Total to be paid is $1,150.66. RJH
05/21/2021 Paid $1,150.00 to prorate fees from 06/1/2021 to 08/01/2021. LAB
5/20/21 Prorating current license for 2 months while waiting for new license to be processed and approved. RJH
05/14/2021 Saint Paul Festival and Heritage Foundation submitted a LG1017 ending operations at site after reportedly informed they are no longer to operate under the current on-sale liquor license holder, RJMP Group Inc., LAWFUL GAMBLING IS NOT PERMITTED AT THE LOCATION FOR ONE-YEAR FROM TODAY'S DATE PER SEC. 409.21(A)(2), however, one-year prohibition does not transfer to a new license holder at the establishment. CLIMB's Assistant Gambling Manager informed it cannot be endorsed by City to conduct lawful gambling at location until licenses issued to new owner. TPF
05/13/2021 City's lawful gambling endorsement requirements emailed to CLIMB Theatre; msg from org stated they "are making arrangements with bar owners from Billy's on Grand in St Paul, they would like us to run charitable gambling in their bar," provided a 5/28/21 projected reopening; organization's Asst Gambling Manager informed SPFHF is endorsed under current license and explained endorsement transition process to new license holder via sale versus under an operating agreement. TPF
02/26/2021 Submitted payment of liq. 2nd half. JWF
02/08/2021 Dlnqt liq. 2nd half ltr. sent 03/01/2021 response date. JWF
09/29/2020 LIQ 2ND HALF (2020). License issued on 06/01/2020 with 2nd half due 12/01/2020. Mailed 2nd half invoice cancel late fees if paid by due date. JWF
08/20/2020 Per AGED website have not obtain State Optional 2AM Closing license yet. Orders submit required documentation to AGED by 09/11/2020. JWF
6/5/2020 Received floor/site plan for extension of service area for parking lot for lawful gambling - Temporary C-19 application for outdoor expansion and is approved JNV
05/26/2020 Emailed KS outstanding requiremetns so she could contact applicant. 06/01/2020 rck. JWF
04/24/2020 Per KS recheck 05/21/2020 (gray file). JWF
04/13/2020 Rcvd. PA for Matthew Prendergast. KS/jwf
04/07/2020 Rcvd. email from applicant (sent through KS) corp. docs showing Randall Johnson and Matthew Prenergast equal owners. No PA for Randall Johnson. Emailed KS outstanding requirements to send to applicant. Rob Stanway SPPD security camera plan-review/inspection, MDH rest. lic., completed PA for Matthew Prenergast, Liq. Manual, proof liq. liab. and WC insurance. App. gray file rck 04/23/2020. JWF
04/01/2020 KS sent email unmet requirements (MDH rest. lic., corp. docs, Liq. Manual, proof liq. liab. and WC insurance). 04/23/2020 recheck. JWF
03/30/2020 No objection to lic. notice per Nhia Vang's office, Leg. Hrg. Officer. JWF
2/12/20 letter sent, need signatures of all officers/stockholders on purchase agreement and management agreement. KS
02/10/2020 SPFHF submitted LG215 & support docs for RJMP Group Inc. gambling endorsement compliant. TPF
02/06/2020 Lic. notice sent, 78MI35EM, response date 03/27/2020. JWF
01/24/2020 To EH/KS for review. JWF

EXHIBIT
tabbies
1-11

Saint Paul Police Department

Search Filter=> Date Range Column: ALL, Date Range Type: Exact From 1/20/2021 12:00:00 AM To 1/20/2022 11:59:00 PM LocationFilter: SearchType: CAD,HouseNumber: From: 857,StreetSearchType: Street,StreetName: [GRAND]

ID	CN	CALLDATE	PRIMARYRMSOFFENSE	DISPOSITION	ADDRESS
1	21026292	02/08/2021 00:11	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
2	21058326	03/22/2021 19:16	THEFT-FROM AUTO,UNDER $500	RR	857 GRAND AV
3	21063574	03/29/2021 04:10	ALARMS	F	857 GRAND AV
4	21068453	04/03/2021 23:05	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
5	21081991	04/24/2021 05:01	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
6	21093346	05/10/2021 11:27	ALARMS	A	857 GRAND AV
7	21103298	05/23/2021 11:14	ALARMS	A	857 GRAND AV
8	21103907	05/24/2021 09:12	ALARMS	C7	857 GRAND AV
9	21123454	06/18/2021 01:02	ALARMS	A	857 GRAND AV
10	21124238	06/19/2021 00:01	911 HANGUP	G	857 GRAND AV
11	21124320	06/19/2021 02:10	ALARMS	F	857 GRAND AV
12	21124998	06/19/2021 23:39	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
13	21134658	07/02/2021 13:37	THEFT EXCEPT AUTO THEFT	G	857 GRAND AV
14	21135537	07/03/2021 13:22	ALARMS	C7	857 GRAND AV
15	21137048	07/05/2021 10:19	ALARMS	C7	857 GRAND AV
16	21138914	07/07/2021 20:35	911 HANGUP	G	857 GRAND AV
17	21145194	07/16/2021 01:19	DOMESTICS	G	857 GRAND AV
18	21146005	07/16/2021 23:41	WARRANT ARREST-WHERE NO CN IS REF ON WARRANT	RR	857 GRAND AV
19	21146717	07/17/2021 22:44	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
20	21156134	07/29/2021 23:50	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
21	21160629	08/04/2021 21:34	TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN	RR	857 GRAND AV
22	21163570	08/09/2021 02:57	ALARMS	C7	857 GRAND AV
23	21164259	08/10/2021 00:11	ALARMS	C6	857 GRAND AV
24	21171901	08/19/2021 18:10	TRAFFIC STOP/ADVISE	TK	857 GRAND AV
25	21175415	08/24/2021 10:25	ALARMS	C6	857 GRAND AV
26	21179738	08/30/2021 00:08	ALARMS	F	857 GRAND AV
27	21187417	09/08/2021 03:41	ALARMS	C6	857 GRAND AV
28	21187533	09/08/2021 09:33	HARASSMENT-PHONE CALLS	A	857 GRAND AV
29	21188212	09/09/2021 01:35	ALARMS	F	857 GRAND AV
30	21188953	09/09/2021 23:16	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
31	21195079	09/17/2021 20:05	ALARMS	C6	857 GRAND AV
32	21195676	09/18/2021 15:44	TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS	A	857 GRAND AV
33	21197447	09/20/2021 23:37	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
34	21198503	09/22/2021 11:44	CHECK WELFARE	A	857 GRAND AV
35	21202033	09/26/2021 16:08	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	A	857 GRAND AV
36	21203754	09/28/2021 15:57	INVESTIGATE-CODE ENFORCEMENT	A	857 GRAND AV
37	21203985	09/29/2021 00:08	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
38	21204849	09/30/2021 03:39	ALARMS	F	857 GRAND AV
39	21207393	10/3/2021 12:07	ASSAULT-OTHER ASSAULTS,ALL	RR	857 GRAND AV
40	21207732	10/3/2021 22:31	DISTURBANCE-DISTURBANCE CALLS	A	857 GRAND AV
41	21208071	10/4/2021 13:46	DOMESTICS	A	857 GRAND AV
42	21208935	10/5/2021 15:30	OTHER ASSAULTS	A	857 GRAND AV
43	21212315	10/10/2021 4:24	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	A	857 GRAND AV
44	21214950	10/14/2021 0:15	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
45	21216431	10/16/2021 1:23	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
46	21217159	10/17/2021 1:04	ASSAULTS-FELONY(INCLUDING TERRORISTIC THREATS)	RR	857 GRAND AV
47	21221562	10/23/2021 2:38	ALARMS	C6	857 GRAND AV
48	21222076	10/23/2021 22:50	POLICE VISIT-PROACTIVE POLICE VISIT	A	
49	21223181	10/25/2021 17:01	COMMUNITY ORIENTED/OUTREACH EVENT	A	
50	21225640	10/29/2021 0:25	POLICE VISIT-PROACTIVE POLICE VISIT	A	

EXHIBIT
tabbies
1-12

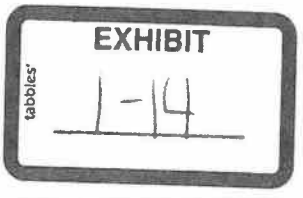
51	21226360	10/29/2021 23:55	TRAFFIC VIOLATION-DANGEROUS CONDITIONS	G	857 GRAND AV
52	21226445	10/30/2021 3:08	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
53	21227098	10/31/2021 1:08	DISTURBANCE-FIGHTS	G	857 GRAND AV
54	21227308	10/31/2021 10:42	OTHER ASSAULTS	G	857 GRAND AV
55	21227390	10/31/2021 14:13	ASSAULT-OTHER ASSAULTS,ALL	RR	857 GRAND AV
56	21232035	11/6/2021 22:54	OFF DUTY EMPLOYMENT	A	857 GRAND AV
57	21232037	11/6/2021 22:55	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
58	21232609	11/7/2021 23:28	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
59	21236030	11/13/2021 0:41	DISTURBANCE-FIGHTS	G	857 GRAND AV
60	21238395	11/16/2021 22:59	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	G	857 GRAND AV
61	21242619	11/23/2021 11:49	ASSAULT-OTHER ASSAULTS,ALL	RR	857 GRAND AV
62	21243702	11/25/2021 0:12	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
63	21249360	12/4/2021 0:55	DISTURBANCE-DISTURBANCE CALLS	A	857 GRAND AV
64	21258294	12/18/2021 0:17	DISTURBANCE-DISTURBANCE CALLS	U	857 GRAND AV
65	21258339	12/18/2021 1:43	DISTURBANCE-DISTURBANCE CALLS	G	857 GRAND AV
66	21260191	12/21/2021 14:23	OTHER ASSAULTS	A	857 GRAND AV
67	21261503	12/23/2021 16:26	INVESTIGATE-CIVIL PROBLEM	A	857 GRAND AV
68	21262246	12/25/2021 0:32	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
69	21263096	12/26/2021 22:09	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	A	857 GRAND AV
70	21817930	11/30/2021 22:46	THEFT-FROM AUTO,UNDER $500	RR	857 GRAND AV
71	22003216	01/06/2022 23:55	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV
72	22004480	01/09/2022 11:33	ALARMS	C6	857 GRAND AV
73	22005107	01/10/2022 16:51	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	G	857 GRAND AV
74	22006139	01/12/2022 16:06	RECOVERED-PROPERTY	RR	857 GRAND AV
75	22007525	01/15/2022 00:11	DISTURBANCE-DISTURBANCE CALLS	G	857 GRAND AV



Saint Paul Police Department

CN Details for 21-227098

Incident:	32	DISTURBANCE-FIGHTS			
Location:	857 Grand Avenue				
Locale:	Billys On Grand [857]				
		Sector/Grid:	I 148		
Call Date:	10/31/2021, 01:08:37	**Disposition:**	Gone on Arrival		
Occur Date:	10/31/2021	**Priority:**	3	**Time Received:**	01:08:37
Occur Time:	01:08:37	**Source:**	911	**Time Sent:**	01:19:18
Caller Information:		**Fire/Amb:**		**Time Arrived:**	01:21:48
Name:		**EDP:**		**Time Cleared:**	01:26:54
Address:		**Alarm:**		**ECC Console:**	22
Phone:					



Saint Paul Police Department

CN Details for 21-227308

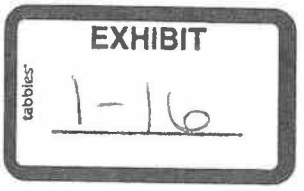
Incident:	800	OTHER ASSAULTS			
Location:	857 Grand Avenue				
Locale:	Billys On Grand [857]				
		Sector/Grid:	I 148		
Call Date:	10/31/2021, 10:42:55	**Disposition:**	Gone on Arrival		
Occur Date:	10/31/2021	**Priority:**	4	**Time Received:**	10:42:55
Occur Time:	10:42:55	**Source:**	Phone	**Time Sent:**	11:39:32
Caller Information:		**Fire/Amb:**		**Time Arrived:**	
Name:		**EDP:**		**Time Cleared:**	11:40:13
Address:		**Alarm:**		**ECC Console:**	22
Phone:					



Saint Paul Police Department

CN Details for 21-227390

Incident:	860	ASSAULT-OTHER ASSAULTS,ALL			
Location:	857 Grand Avenue				
Locale:	Billys On Grand [857]				
		Sector/Grid:	I 148		
Call Date:	10/31/2021, 14:13:20	**Disposition:**	Records received		
Occur Date:	10/31/2021	**Priority:**	4	**Time Received:**	14:13:20
Occur Time:	14:13:20	**Source:**	Teleserve	**Time Sent:**	14:20:51
Caller Information:		**Fire/Amb:**		**Time Arrived:**	14:20:53
Name:		**EDP:**		**Time Cleared:**	15:40:56
Address:		**Alarm:**		**ECC Console:**	28
Phone:					



Saint Paul Police Department

PUBLIC

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number	Reference C.N	Date and Time of Report
21227390		10/31/2021, 14:13

Primary offense
ASSAULT-OTHER ASSAULTS,ALL

Primary Reporting Officer:	LOWY, CHRISTINE	*Name of location/business:*	
Primary squad:	199	*Location of incident:*	857 Grand Avenue, St Paul, MN 55105
Secondary reporting officer:			
District:	West District	*Date & time of occurrence:*	10/31/2021, 14:11 to 10/31/2021, 14:56
Site:	857 Grand Ave		
Secondary offense:		*Arrest made?*	
Pursuit engaged?	No	*Resistance encountered?*	No

Weapons Used by Suspect at Time of Arrest

(None)

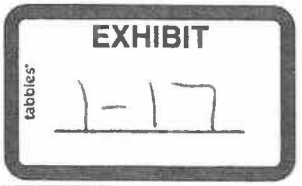
Arrest (None)

Names

Suspect:	Freeman, Tikco Christal	
Victim:	Haywood, Latoya Katrice	
	FALCON HEIGHTS	MN 55113-6361
Witness:	Dixon, Robert Peter	
	BROOKLYN CENTER	MN 55429-1338

PUBLIC NARRATIVE

On 10/31/21 at approximately 1420 hrs. St Paul Squads took an assault report, not in progress, that occurred at Billy's On Grand, located at 857 Grand Ave. Suspect information provided.



Information Requested by: 237725

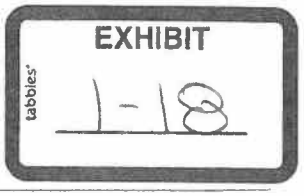
Printed at: 01/27/2022, 14:44

1/1

Saint Paul Police Department

CN Details for 21-236030

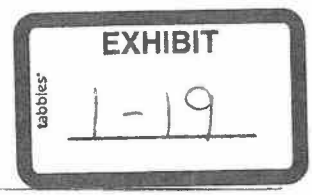
Incident:	32	DISTURBANCE-FIGHTS			
Location:	857 Grand Avenue				
Locale:	Billys On Grand [857]				
		Sector/Grid:	I 148		
Call Date:	11/13/2021, 00:41:22	**Disposition:**	Gone on Arrival		
Occur Date:	11/13/2021	**Priority:**	3	**Time Received:**	00:41:22
Occur Time:	00:41:22	**Source:**	911	**Time Sent:**	00:43:13
Caller Information:		**Fire/Amb:**		**Time Arrived:**	00:46:45
Name:		**EDP:**		**Time Cleared:**	00:49:44
Address:		**Alarm:**		**ECC Console:**	23
Phone:					



Saint Paul Police Department

CN Details for 21-242619

Incident:	860	ASSAULT-OTHER ASSAULTS,ALL			
Location:	857 Grand Avenue				
Locale:	Billys On Grand [857]				
		Sector/Grid:	I 148		
Call Date:	11/23/2021, 11:49:51	**Disposition:**	Records received		
Occur Date:	11/23/2021	**Priority:**	4	**Time Received:**	11:49:51
Occur Time:	11:49:51	**Source:**	Teleserve	**Time Sent:**	12:45:27
Caller Information:		**Fire/Amb:**		**Time Arrived:**	
Name:		**EDP:**		**Time Cleared:**	13:29:29
Address:		**Alarm:**		**ECC Console:**	31
Phone:					



Saint Paul Police Department

PUBLIC

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number	*Reference C.N.*	*Date and Time of Report*
21242619		11/23/2021, 11:49

Primary offense
ASSAULT-OTHER ASSAULTS,ALL

Primary Reporting Officer:	TSCHIDA, MICHAEL	*Name of location/business:*	
Primary squad:	199	*Location of incident:*	857 Grand Avenue, St Paul, MN 55105
Secondary reporting officer:			
District:	West District	*Date & time of occurrence:*	11/23/2021, 11:38 to 11/23/2021, 13:12
Site:	857 Grand Ave		
Secondary offense:		*Arrest made?*	
Pursuit engaged?	No	*Resistance encountered?*	No

Weapons Used by Suspect at Time of Arrest

(None)

Arrest (None)

Names

Suspect:	Unknown	
Witness:	Spearman, Wesley Edward	
	ST PAUL	MN 55105
Victim:	Benson, Armani C	
	SAINT PAUL	MN 55104-4848

PUBLIC NARRATIVE

Reported assault at Billy's on Grand (857 Grand Ave).

EXHIBIT
tabbies
1-20

Information Requested by: 237725

Printed at: 01/27/2022, 14:47

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Incident Overview

Case Status	:	**Active**	Occ Date From	:	**01/19/2022, 13:23**
Case Number	:	**22-009948**	Occ Date To	:	**01/19/2022, 14:46**
Reported Date	:	**01/19/2022, 13:23:38**	Bias Motivation	:	
Location	:	**375 Jackson Street, St Paul, MN 55101**	Arrest	:	
			Resistance Encountered	:	**No**
Offenses	:	**Investigate-Code Enforcement**			

Incident Summary

Created by: **01/27/2022, 16:38**

DSI Investigation, into potential licensing & code related violations that occurred between (10/30/21-10/31/21) & (11/12/21-11/13/21), at Billy's on Grand, 857 Grand Ave St. Paul, MN 55105. Multiple incidents involving lewd and disorderly behavior were reviewed, that occurred and originated at the licensed business premise. This case was forwarded to the Department of Safety & Inspection and also the City Attorney Civil Division, for review and possible Adverse Action against the business license.

CASE NUMBER: 22-009948

EXHIBIT
tabbies
1-21

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

EXHIBIT tabbies 1-22

Staff Involved

Officer	Type	BWC	ICC	Resistance Encounter	Force Used	Vehicle Pursuit
Graupman, Charles	Submitter, Primary	No		No	No	No

Narratives

Narrative 1 Created by: **GRAUPMAN, CHARLES** **01/27/2022, 16:38**

Synopsis :

DSI Investigation, into potential licensing & code related violations that occurred between (10/30/21-10/31/21) & (11/12/21-11/13/21), at Billy's on Grand, 857 Grand Ave St. Paul, MN 55105. Multiple incidents involving lewd and disorderly behavior were reviewed, that occurred and originated at the licensed business premise. This case was forwarded to the Department of Safety & Inspection and also the City Attorney Civil Division, for review and possible Adverse Action against the business license.

Narrative :

I, Sgt. C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 11/17/21, I was made aware by the St. Paul Western District Command of numerous "quality of life" police calls that they had responded to at Billy's on Grand, located at 857 Grand Ave St. Paul, MN 55105. A review of police call records and noted that in the past one year period between (1/20/21 & 1/20/22), this property has generated (78) calls for police service. It should be noted that (20) of those calls were were deemed as "Quality of Life" type calls, which have a direct and negative impact on the surrounding neighboring residential community. I was also advised that the uptick in calls and call types have generated both community concern and have consumed a vast amount of police resources. The specific incidents I was asked to review closer were Disturbances, Fights, & Assault that the St. Paul Police Department responded to on (10/30/21-10/31/21 & 11/13/21-11/14/21). The CN's referenced include: CN 21-227-098, 21-227-308, 21-227-390, 21-236-030 & 21-242-619.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received & reviewed. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

CASE NUMBER: 22-009948

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

EXHIBIT tabbies 1-23

Listed below are the current licensing conditions of Billy's on Grand:

1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served alcohol.

2. The extension of service as a result of the renovation of the patio area is subject to the consent for the use of three (3) off-street parking spaces from an adjacent parking lot located to the west of the business in accordance with City Zoning regulations.

3. Per Fire Inspection Certificate of Occupancy (C of O), occupancy limit is 285 when billiard tables are in the establishment, and 297 when all billiard tables are removed from the premises.

4. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

On 11/24/21, DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video from the business, which is a required condition of their business license (condition #4). The requested video was noted in the letter and coincided with the above SPPD CN's referenced. The time period of the request was for the time period starting on: (Saturday, October 30, 2021 from 10:00 p.m. until 1:30 a.m. on Sunday, October 31, 2021) and again on (Friday, November 12, 2021 from 10:30 p.m. until 1:30 a.m. on Saturday, November 13, 2021).

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Monday, November 29, 2021. (4) copies of the letter were drafted.

The first copy was mailed via U.S. postal service to the point of contact listed on the License: Wesley Spearman, 204 N. McCarrons Apt #8, St. Paul, MN. 55113. A second and third copy were mailed via U.S. postal service to points of contact listed on the License: Randall Johnson, 7504 269th Ave. NE. Stacy, MN. 55079. and Darcy Golish 2238 Heath Ave. N. Oakdale, MN. 55128. DSI Licensing manager Hudak hand delivered and emailed the fourth and final copy to the business on 11-24-2021.

On November 30, 2021, I began reviewing the requested video which was received by DSI and made the following observations:

CASE NUMBER: 22-009948

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

10/30/21-10/31/21

Lewd Conduct: Channel 01 (Front Patio) @ 0124 hrs., A B/M and W/F, emerge from behind the closed patio bar area and began to engage in intimate physical contact, by touching and kissing. The couple then walks to a patio bench and continues to engage in intimate physical contact. The female then sits on the lap of the male, faces away from him and lowers her pants while using her jacket to conceal her lower region. It appears the male then unzips his own zipper on his pants and the female then begins to sit back down on his lap. The couple then begins to engage in what appears to be sexual intercourse over the next several minutes. At 0126 hrs., a St. Paul Police Officer enters the patio area from the parking lot to investigate a 911 call placed at the business for a Disturbance-Fight, involving multiple people and a report of security using a chemical irritant. (Ref CN 21-227-098). As the Officer walks past the couple to enter the business, the couple ceases what they are doing. The Officer does not witness the lewd behavior and continues to walk towards the entry, in order to investigate the fight call inside. As the Officer is inside, the couple begins to readjust their clothing, and ceases their conduct. Shortly thereafter, the Officer re appears on camera to leave, and the couple eventually leaves the patio area.

Assaultive & Disorderly Behavior: Channel 06 & 09 (Front Bar) @ 0103 hrs., A group of 8-10 younger B/M's and B/F's bar patrons, are seen on video standing east of the front bar area and began to have a verbal argument. The argument begins to escalate and several of the patrons begin to throw their purchased drinks at one another. (2) B/M's wearing security shirts, then attempt to separate the group. The argument then begins to escalate further into pushing, chairs being thrown and punches exchanged by the group causing several patrons to be knocked to the ground. A W/M wearing a gray polo shirt, who appears heavily intoxicated, then slips on the floor after being pushed, and lands on his back as his head hits the floor. As the male is on the floor a B/M, then begins to physically assault him by kicking him in the groin area. Security then deploys a chemical irritant to disperse the crowd. The fight continues for a short while and eventually concludes as patrons make their way to the exits of the bar.

Purchased Alcohol Leaving Bar: Channel 01, 08, & 19 (Rear Bar, Patio, Parking lot) @ 2351 hrs., A B/M patron wearing a orange sweatshirt, is seen purchasing an alcoholic beverage (beer), at the rear bar. The male is later seen leaving the front patio area @ 0105 hrs. with the said purchased drink and continues to leave without being stopped by staff. The male is again captured on video walking South through the parking lot and off the premise.

A copy of this report, the referenced reports, police call data (1/20/21-1/20/22), (2) copies of the original video on flash drives and still images captured with said conduct were forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

CASE NUMBER: 22-009948

EXHIBIT tabbies 1-24

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Offenses

Offense 1 - INVESTIGATE-CODE ENFORCEMENT

NIBRS Offense Description	:	Criminal Activity Gang Info	:
Crime Scene Type	:	Weapons Used	:
Forced Entry	:	Bias Motivation	:
Attempt Only	:	Bias Target	:
Number Of Premises Entered	:	Bias Based On	:
Offender Suspected Of Using	:		

CASE NUMBER: 22-009948



SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Participants / Persons

Person 1

Billy'S On Grand (Business)
857 Grand Avenue, St. Paul, MN 55105
Phone: 651-292-9140

Info			Phones		
Participant Type	:	**Defendant**	Cell Phone	:	
Age	:		Home Phone	:	
Gender	:		Work Phone	:	**651-292-9140**
Race	:		Email Address	:	
Hispanic	:		Social Media	:	
Business Name	:	**Billy'S On Grand**			

Physical Description			Attributes		
Height	:		School Name	:	
Weight	:		Employer Name	:	
Eye Color	:		Occupation	:	
Hair Color	:		Requested Non Public	:	
Build	:		License / ID Number	:	
			Limited English / Language	:	

Employment			Injuries		
Employer	:		Type of Injury	:	
Type	:				
Occupation	:				
Address	:				

Offenses/Charges

CASE NUMBER: 22-009948

EXHIBIT tabbies 1-26

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Charges

Description	Statute	Level Of Offense	UCR Code

Person 2

Wesley Spearman **DOB: 04/26/1977**
204 Mccarrons, St. Paul, MN 55113
Phone: 651-292-9440

Info

Participant Type	:	**Owner**
Age	:	**44**
Gender	:	**Male**
Race	:	**Black**
Hispanic	:	
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	**651-292-9440**
Work Phone	:	
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	**Billy'S On Grand**
Occupation	:	**Operator**
Requested Non Public	:	
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	**Billy's on Grand**
Type	:	
Occupation	:	**Operator**

Injuries

Type of Injury	:	

CASE NUMBER: 22-009948

EXHIBIT
tabbies
1-27

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Address : 857 Grand Avenue, St. Paul, MN

Offenses/Charges

Charges

Description	Statute	Level Of Offense	UCR Code

CASE NUMBER: 22-009948

EXHIBIT tabbies 1-28

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Businesses

Business 1

Billy'S On Grand
857 Grand Avenue, St. Paul, MN 55105

Info			Phones		
Role Type	:	**Defendant**	Cell Phone	:	
Name	:	**Billy'S On Grand**	Contact Phone	:	**651-292-9140**
Type	:	**Restaurant/Bar/Club**	Home Phone	:	
Description	:		Work Phone	:	**651-292-9140**
			Email Address	:	
			Fax	:	

Offenses/Charges

Charges

Description	Statute	Level Of Offense	UCR Code

CASE NUMBER: 22-009948

EXHIBIT
tabbies
1-29

SAINT PAUL POLICE

CASE NUMBER: 22-009948

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

CAD Information

CAD Info 1

Info

Location	: 375 Jackson Street	Sector	: 2	Time Received	: 13:23
		Grid	: 153	Time Sent	: 13:23
Locale	: St Paul Safety and Inspection	Disposition	: Records received	Time Arrived	:
		Priority	: 4	Time Cleared	: 13:24
Call Date	:	Source	: Phone	Reopen Time	:
Occur Date	: 01/19/2022	Fire/Amb	:	Citation #	:
Caller Information	: 854	EDP	:		
Address	:	Alarm	:		
Phone	:	ECC Console	: 32		

Employees

Officer	Squad	Type	Beat	Received	Sent	Arrived	Cleared
GRAUPMAN, CHARLES	854	1	CN2	13:23			13:24

CAD Comments

Master Incident Number: 20220119-0032045 CAD Address: 375 Jackson St, Lat/Lon: 44948431 / 93090113 01/19/2022 13:23:39RRE [1] DSI 01/19/2022 13:23:43RRE [2] Automatic Case Number(s) issued for Incident #[20220119-0032045], Jurisdiction: SPPD. Case Number(s): SP220119009948. requested by 854. 01/19/2022 13:24:25RRE [3] NO BWC - DSI INVESTIGATION INV

CASE NUMBER: 22-009948

EXHIBIT tabbies 1-30

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

November 24, 2021

DWD Group LLC.
Billy's On Grand
857 Grand Ave
St. Paul, MN 55105

HAND DELIVERED AND E-MAILED ON 11-24-2021

Mr. Wesley Spearman and Mr. Chuck Gilbert,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following periods:

From 10:00 p.m. on Saturday, October 30, 2021 until 1:30 a.m. on Sunday, October 31, 2021

From 10:30 p.m. on Friday, November 12, 2021 until 1:30 a.m. on Saturday, November 13, 2021

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 **no later** than **4:00 p.m. on Monday, November 29, 2021.** Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have been made by the Saint Paul Police Department and must be satisfied accordingly.

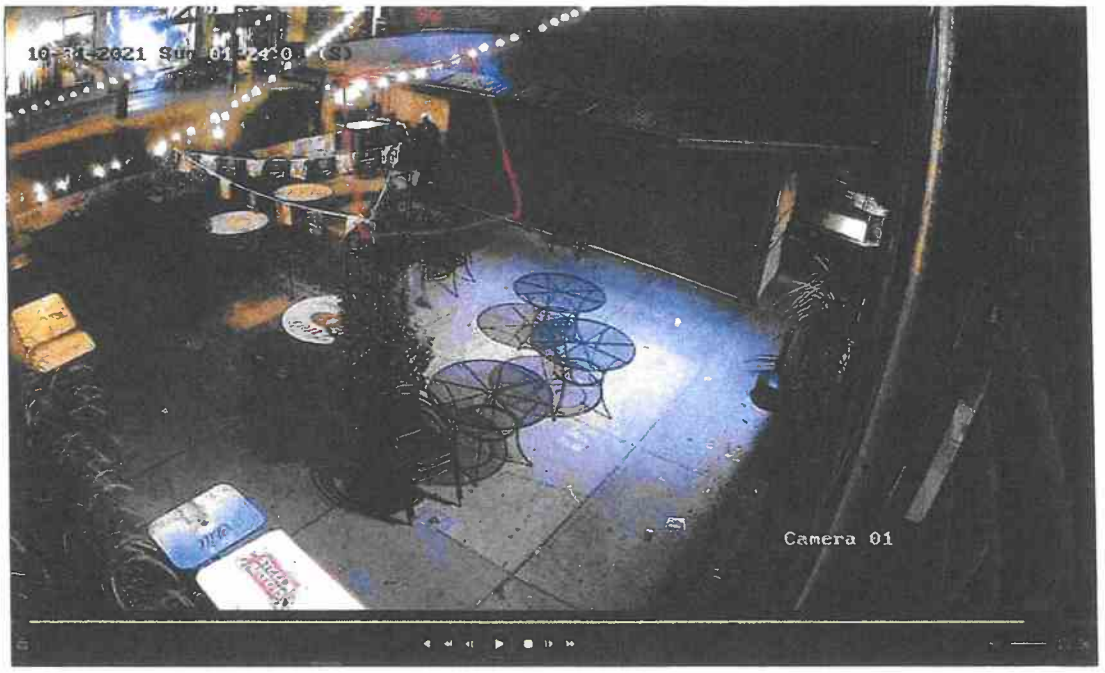
Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Atty. Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Wesley Spearman 204 N. McCarrons Apt #8, St. Paul, MN. 55113.
Darcy Golish 2238 Heath Ave N. Oakdale, MN. 55128
Randall Johnson, 7504 269th Ave. NE Stacy, MN. 55079

An Equal Opportunity Employer





Channel 01 @ 0124 hrs., couple emerges from behind patio bar service area and then later engages in lewd conduct. (No security present).



Channel 01 @ 0126 hrs, couple engaging in lewd conduct. (No security present).

EXHIBIT
tabbies
1-32



Ch 06 @ 0103 hrs., Verbal argument ensues between patrons and a drink is thrown, causing a physical fight to occur.



Ch 06 @ 0103 hrs., Physical Fight ensues.

EXHIBIT
tabbies
1-33



Ch 06 @ 0103 hrs., Security deploying a chemical irritant to disperse crowd.



Ch 09 @ 013 hrs., Physical Fight

EXHIBIT
tabbies
1-34



Ch 06 @ 0103 hr., Physical Fight.



CH 08 @ 2351 hrs., Male purchasing drink at back bar.

EXHIBIT
tabbies
1-35



Ch 01 @ 0105 hrs., Male patron seen leaving with purchased drink.



Ch 19 @ 0106 hrs., Male patron seen leaving with a purchased drink.

EXHIBIT
tabbies
1-36

Skarda, Therese (CI-StPaul)

From: Koran, Linda (CI-StPaul)
Sent: Tuesday, February 8, 2022 3:09 PM
To: Fischbach, Jeffrey (CI-StPaul); Voyda, Joseph (CI-StPaul); Hudak, Eric (CI-StPaul); Haddow, Ross (CI-StPaul); McDonald, Shawn (CI-StPaul); Skarda, Therese (CI-StPaul)
Subject: RJMP Group Inc. DBA Billy's on Grand $500.00 Fine

Hello,

The $500.00 fine for RJMP Group Inc. DBA Billy's on Grand (License #20200000158) has been paid.

Thank you,

Linda

Linda Koran
Pronouns: she/her/hers
License Clerk
Department of Safety and Inspections
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
P: 651-266-9105
F: 651-266-9124
linda.koran@ci.stpaul.mn.us

SAINT PAUL
MINNESOTA

DSI Customer Service Counter is available 8:00 am - 4:00 pm (Mon - Fri).

EXHIBIT
tabbies
2-1

CITY OF SAINT PAUL

Department of Safety & Inspections
Ricardo X. Cervantes, Director
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Web Site Address: www.stpaul.gov/dsi
Telephone: 651-266-8989
Facsimile: 651-266-9124

I agree to the following conditions being placed on the following license(s):

License #: 20210000875

Type of Business: Entertainment (B)
Gambling Location
Liquor On Sale - 2 AM Closing
Liquor On Sale - 291 or more Seats
Liquor On Sale - Sunday
Liquor-Outdoor Service Area (Patio)

Applied for by: DWD GROUP LLC

Doing Business As: BILLY'S ON GRAND

at: 857 GRAND AVE
ST PAUL MN 55105

Conditions are as follows:

1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served or consume alcohol.
2. Per Fire Inspection Certificate of Occupancy requirements, total occupancy limit is 285 when billiard tables are in the establishment, and 297 when all billiard tables are removed from the premises
3. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.
4. License holder shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the licensed liquor service area(s) as well as sufficient roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.
5. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.
6. License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s).
7. Whenever the establishment is open past 11:00 p.m. no patrons shall be admitted into the

EXHIBIT
tabbies 3-1

CITY OF SAINT PAUL

Department of Safety & Inspections
Ricardo X. Cervantes, Director
375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Telephone: 651-266-8989
Facsimile: 651-266-9124
Web Site Address: www.stpaul.gov/dsi

establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.
8. All activity taking place on the exterior of the property lot on which the licensed premises is contained must comply with applicable State and Local rules and regulations, including but not limited to Chapter 293 Noise Regulations of the City of Saint Paul Legislative Code.
9. All service and operation of outdoor seating/patio service areas must end no later than 11:00 p.m. and the area vacated no later than 11:30 p.m. each day.

Licensee

3/4/22
Date

EXHIBIT
tabbies
3-2

Phone: 651-266-8560

Resolution: RES 22-311

File Number: RES 22-311

Approving adverse action against the Liquor On-Sale 291 or more seats, Liquor On-Sale Sunday, Liquor On-Sale 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment (B) license held by RJMP Group Inc. d/b/a Billy's On Grand (License ID #20200000158), for the premises located at 857 Grand Avenue and addition of the conditions to the licenses held by RJMP Group Inc. d/b/a Billy's On Grand (License ID #20200000158).

WHEREAS, the Liquor On-Sale 291 or more seats, Liquor On-Sale Sunday, Liquor On-Sale 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment (B) license held by RJMP Group Inc. d/b/a Billy's On Grand (License ID #20200000158) for the premises located at 857 Grand Avenue in Saint Paul were the subject of a Notice of Violation on February 1, 2022 that included a request for imposition of license conditions and $500 matrix penalty (herein incorporated as Exhibit 1); and

WHEREAS, the notice stated that Sgt. Charles Graupman of the Saint Paul Police Department assigned to the Department of Safety and Inspections (DSI) was made aware of numerous "quality of life" police calls related to the licensed premises; and

WHEREAS, the number of phone calls and call types generated community concern and consumed a vast amount of police resources; and

WHEREAS, Sgt. Graupman was asked to review police reports related to the Disturbances, fights, and assaults that the Saint Paul Police Department responded to on October 30, 2021 - October 31, 2021 and November 12, 2021 - November 13, 2021; and

WHEREAS, after reviewing the reports, Sgt. Graupman worked with DSI Licensing Manager Eric Hudak to draft a formal request for all interior and exterior surveillance video from the license premises that asked for video from Saturday, October 30, 2021, 10:00 p.m. until 1:30 a.m. on Sunday, October 31, 2021, and On Friday, November 12, 2021, from 10:30 p.m. until 1:30 a.m. on Saturday, November 13, 2021.

WHEREAS, the licensee produced the requested video and it was reviewed by Sgt. Graupman and the DSI staff; and

WHEREAS, the following violations of license conditions were observed on the surveillance video.

A couple engaged in a sexual act in violation of Saint Paul Legislative Code § 409.09 (3).

Large altercation inside of the bar in violation of Saint Paul Legislative Code § 409.08 (5)

Patron leaving the licensed premises with an alcoholic drink in violation of Saint Paul Legislative Code § 409.08 (15).; and

WHEREAS, per Saint Paul Legislative Code § 310.05 (m) (2), the Department sent the Licensee a Notice of Violation which proposed adverse action including a $500.00 matrix penalty for a first time violation and the addition of license conditions to the license; and

EXHIBIT tabbies 4-1

WHEREAS, the Department also recommended that one license condition be removed as it is obsolete; and

WHEREAS, the License conditions changes recommended by the Department are noted with underline and strike out as follows:

1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served or consume alcohol.

~~2. The extension of service as a result of the renovation of the patio area is subject to the consent for the use of three (3) off-street parking spaces from an adjacent parking lot located to the west of the business in accordance with City Zoning regulations.~~

3. Per Fire Inspection Certificate of Occupancy (CofO), occupancy limit is 285 when billiard tables are in the establishment, and 297 when all billiard tables are removed from the premises.

4. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

5. License holder shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the licensed liquor service area(s) as well as sufficient roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.

6. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.

7. License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s).

8. Whenever the establishment is open past 11:00 p.m. no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.

and;

WHEREAS, the Notice of Violation laid out a number of options for the Licensee and stated that if the Licensee did not contest the proposed adverse action the license could pay the matrix penalty and agree to the additional license conditions; and

WHEREAS, the Notice of Violation further stated that if the Licensee paid the $500.00 matrix penalty, it would be considered an agreement to the additional conditions and a waiver of the hearing to which the licensee was entitled; and

WHEREAS, the Department believes that the imposition of these conditions will serve to reinforce industry standard operational practices that improve safety and help ensure the well-being of staff, patrons and the surrounding community; and



WHEREAS, the Licensee paid the $500 matrix penalty on February 8, 2022; and

WHEREAS, the Council finds that the that the imposition of the conditions proposed by the Department will serve to reinforce industry standard operational practices that improve safety and help ensure the well-being of staff, patrons and the surrounding community, now, therefore, be it,

RESOLVED, that the imposition of the above conditions on the Liquor On-Sale 291 or more seats, Liquor On-Sale Sunday, Liquor On-Sale 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment (B) Licenses held by RJMP Group Inc. d/b/a Billy's On Grand (License ID #20200000158) for the premises located at 857 Grand Avenue in Saint Paul is approved.

At a meeting of the City Council on 3/2/2022, this Resolution was Passed

Yea: 7 Councilmember Brendmoen, Councilmember Thao, Councilmember Tolbert, Councilmember Noecker, Councilmember Prince, Councilmember Jalali, and Councilmember Yang

Nay: 0

Vote Attested by Council Secretary Shari Moore — **Date** 3/2/2022

Approved by the Mayor Melvin Carter III — **Date** 3/3/2022

Clerk Shari Moore — **Date** _____

Test Signature Shari Moore — **Date** _____

EXHIBIT tabbies 4-3

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Shawn McDonald, being first duly sworn, deposes and says that on the 9th day of May, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR IMPOSITION OF $1000 MATRIX PENALTY** and a correct copy thereof in an envelope addressed as follows:

Billy's on Grand
RJMP Group, Inc
857 Grand Avenue
St. Paul, MN 55105-3377

Randall Johnson
7504 269th Avenue Northeast
Stacy, MN 55079

East Mall Associates
857 Grand Avenue
Saint Paul, MN 55105-3377

Wesley Spearman
204 McCarrons Blvd
Saint Paul, MN 55113

Monica Haas, Executive Director
Summit Hill Association
860 Saint Clair Avenue West
Saint Paul, MN 55105

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 9th day of May 2022

Julie Anne Kraus
Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

EXHIBIT
tabbies
5-1

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

May 9, 2022

NOTICE OF VIOLATION
AND REQUEST FOR IMPOSITION OF
$1,000 MATRIX PENALTY

Billy's on Grand
RJMP Group, Inc
857 Grand Avenue
St. Paul, MN 55105-3377

RE: Liquor on Sale -291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group, doing business as Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul. License ID #: 20200000158

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended adverse action against the Liquor on Sale -291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by R Randall Johnson, RJMP Group, ("Licensee") herein for the premises known as Billy's on Grand located at 857 Grand ("Licensed Premises") based on violations of your license conditions.

Records at the Department show that this is your second violation within one year. On February 8, 2022, Licensee paid a $500 matrix penalty and agreed to the imposition of additional conditions on the Licenses as resolution of an adverse action that involved numerous violations including allowing alcohol to leave the premises and failure to provide video.

Applicable Matrix Penalty:

Saint Paul Legislative Code Section 310.05 (m)(1) sets the presumptive penalty for a second violation of conditions placed on the license at a $1,000 matrix penalty. Based on the prior violation, the Department is recommending a $1,000 fine.

Saint Paul Legislative Code Section 310.05 (m)(3) sets the presumptive penalty for a second violation of provisions of the legislative code relating to the licensed activity at a $1,000 fine.



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Current License Conditions for the Licensed Premises:

The Department recently added license conditions as part of a prior adverse action. The Department had hoped that the additional license conditions would assist the Licensee and management staff to sufficiently improve safety and help ensure the well-being of staff, patrons and the surrounding community as well as help you better manage the activity at the Licensed Premises.

1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served or consume alcohol.

2. Per Fire Inspection Certificate of Occupancy requirements, total occupancy limit is 285 when billiard tables are in the establishment, and 297 when all billiard tables are removed from the premises.

3 Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

4. License holder shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the licensed liquor service area(s) as well as sufficient roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.

5. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.

SAINT PAUL
CITY ATTORNEY



OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

6 License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s).

7 Whenever the establishment is open past 11:00 p.m. no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.

The Department believes that the following License Conditions and provisions of Saint Paul Legislative Code support their recommendation for adverse action and the imposition of a $1,000 matrix penalty:

- Under Saint Paul Legislative Code Section 409.08 (5), "Every licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business."

- Under Saint Paul Legislative Code Section 409.08 (15), "Each on-sale shall have the responsibility of taking reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage, and the failure to do so may subject such licensee to adverse action against his or her license."

- License Condition #3 states that: Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

- License condition #6 of your license was recently added to the license due to previous violations. It states: License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s).

- Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based. Adverse action may be based on one or more of the following reasons,

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

which are in addition to any other reasons specifically provided by law or in the Saint Paul Legislative Code.

- Section 310.06 (b)(5) supports adverse action when the licensee or applicant has failed to comply with any condition set forth in the license.

- Section 310.06 (b)(6)(a) supports adverse action when the "licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any action which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brough in connection therewith".

- Section 310.06 (b)(6)(c) supports adverse action when the "licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn".

- Section 310.06 (b)(7) supports adverse action when the "activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner".

- Section 310.06(b)(8) supports adverse action when the "licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public".

Background:

In the normal course of his duties Sgt. Graupman, the SPPD officer assigned to DSI, became aware of a number of calls for service to the Licensed Premises and near the Licensed Premises that he believed required further investigation for potential licensing violations. Those calls included a GM DWI, a shooting, an assault and a fight call. The dates of the incidents related to these calls were:

- March 4-5, 2022;
- March 12-13, 2022; and
- March 18-19, 2022.

EXHIBIT
tabbies 5-4

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Sgt. Graupman reviewed the police call records and Case numbers ("CN's") associated with those calls. The CN's Sgt. Graupman reviewed include:

- CN 22036672 from March 4, 2022, Single car accident in which the driver was determined to be intoxicated stated she had consumed alcohol at the Licensed Premises prior to the crash.
- CN 22036746 from March 5, 2022, aggravated assault with a firearm. The victim had attempted to gain entry into the Licensed Premises but was denied. The victim was subsequently shot while standing on the sidewalk near the Victoria Crossing Mall entrance.
- CN 22042088 from March 12, 13, 2022, assault.
- CN 22045710 from March 18, 2022, fight in which Ramsey County Deputies requested emergency assistance.

Based on his initial review, Sgt. Graupman worked with DSI Licensing Manager Eric Hudak to draft 2 formal requests for all interior and exterior surveillance video from the business, which is a required condition of License Condition #3. The March 8, 2022 letter ("Investigation #1") requested video from 9:30 p.m. until 11 p.m. on Friday March 4, 2022 and 12:30 a.m. until 2:00 a.m. on Saturday March 5, 2022. The March 28, 2022 letter ("Investigation #2") requested video from 11:00 p.m. March 12, 2022 until 12:30 a.m. March 13, 2022 and 11:30 p.m. March 18, 2022 until 1:00 a.m. March 19, 2022.

The Licensee produced the video requested in the letters and it was reviewed by Sgt Graupman and DSI Staff.

Investigation and Violations:

Sgt. Graupman reviewed police call records. He learned that in the past one year period between May 6, 2021 and May 6, 2022 the Licensed Premises has generated 128 calls for police service. Sgt. Graupman believes that 31 of these calls were deemed "Quality of Life" type calls and states that "Quality of Life Calls" have a direct and negative impact on the surrounding neighboring residential community. Sgt. Graupman also learned that the calls and call types have "generated both community concern and have consumed a vast amount of police resources".

Upon review of the video associated with CN 22036672, Sgt Graupman concluded that the individual involved in the single car accident was a patron in the Licensed Premises but no license violations or improper conduct was observed.



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Upon review of the video associated with CN 22036746, Sgt. Graupman determined that the victim was not a patron of the Licensed Premises. Sgt. Graupman also could not determine that the suspects involved in the shooting were patrons of the Licensed Premises.

Violation #1:

While reviewing the video associated with CN 22036746, Sgt. Graupman did observe several incidents of alcohol leaving the liquor service area which he documented as violations of License Condition #6 and Saint Paul Legislative Code Section ("SPLC") 409.08 (15).

Sgt. Graupman's report documents that when watching the March 5, 2022 video, channels 01, 03, 05, 08, and 09 he observed several instances of alcoholic beverages leaving the service area including:

- at 0140 hrs. a customer (B/M, wearing a blue baseball style cap, white hooded sweatshirt and blue jeans), is seen placing a drink order at the rear of the main front bar with the bartender. The bartender then returns with a suspected canned alcoholic beverage and money is exchanged between the customer and bartender. At 0142 hrs., the customer begins to consume the beverage and remains in the bar area for several minutes. At 0146 hrs., the male customer begins to walk towards the front of the bar, as the bar is beginning to close. The customer is tracked via the above mentioned cameras exiting the business via the front patio at 0147 hrs., and is not stopped by identifiable security, who is present. The male customer eventually leaves the patio area and enters Grand Ave still holding the purchased beverage in hand.

- At 0151 hrs., a female customer (B/F, wearing a blue jean jacket, yellow top and pants) is seen exiting the front patio holding a drink cup.

- At 0153 hrs., a male customer (B/M, wearing all black) is seen exiting the front patio holding a drink cup.

- At 0153 hrs., a female customer (B/F, wearing all black and white shoes), is seen exiting the front patio holding a drink cup.

Violation #2:

Upon review of CN 22042088, Sgt. Graupman learned that SPPD officers reported that on March 13, 2022 staff at the Licensed Premises where unable to provide access to all the cameras on the property and did not have the means to make a copy of the video upon SPPD officers request which is a violation of License Condition #3.



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Violation #3:
Upon review of the video associated with the March 18, 2022 incident documented under CN 22045710 Sgt. Graupman found that it was not complete. Specifically, the cameras covering ingress and egress to the Licensed Premises were missing. They included Channels 24 and 29.

The Licensee was given another opportunity to produce the missing video. On April 20, 2022 a second request to produce video with a deadline of 4:00 p.m., Friday April 22, 2022 was mailed to the Licensee. Video was again produced but was found to be deficient. DSI contacted Manager, Wesley Spearman who indicated that those cameras were offline at the time of the incident. This is a violation of License Condition #3 which requires that the Licensee produce video when requested and maintain the surveillance systems.

Violation #4:
Licensee has failed to manage the Licensed Premises in a manner that provides a safe environment for patrons and the public.

Adverse action may be based on one or more of the following reasons, which are in addition to any other reasons specifically provided by law or in the Saint Paul Legislative Code.

- Section 310.06 (b)(5) supports adverse action when the licensee or applicant has failed to comply with any condition set forth in the license.

- Section 310.06 (b)(6)(a) supports adverse action when the "licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any action which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brough in connection therewith".

- Section 310.06 (b)(6)(c) supports adverse action when the "licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn".

- Section 310.06 (b)(7) supports adverse action when the "activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner".

EXHIBIT
tabbies 5-7

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

- Section 310.06(b)(8) supports adverse action when the "licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public".

Numerous police calls for service, 31 "Quality of Life" calls during a one year timeframe, practices that have generated both community concern and consumed a vast amount of police resources, failure to implement procedures that would address alcohol leaving the premises and failure to ensure that surveillance equipment was maintained and capable of providing video all are facts that support adverse action under the above provisions of SPLC.

You have four (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **May 23, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy.

2. You can pay the $1,000 matrix penalty. If this is your choice, you should make to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **May 23, 2022**. A self-addressed envelope is enclosed for your convenience. Payment of the $1000.00 matrix penalty and agreement to the additional conditions will be considered a waiver of the hearing to which you are entitled.

3. If you wish to admit the facts but you contest the $1,000 matrix penalty, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **May 23, 2022.** The matter will then be scheduled before the City Council to determine whether to impose the $1,000 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.

4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **May 23, 2022.** At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.



SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by May 23, 2022, I will assume that you do not contest the imposition of the $1,000 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Shawn McDonald at (651) 266-8729.

Sincerely,

Therese Skarda /S.M.

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Randall Johnson; 7504 269th Avenue Northeast, Stacy, MN 55079
East Mall Associates; 857 Grand Avenue, Saint Paul, MN 55105-3377
Wesley Spearman; 204 McCarrons Blvd, Saint Paul, MN 55113
Monica Haas, Executive Director, Summit Hill Association, 860 Saint Clair Avenue West, Saint Paul, MN 55105

Attachments:
STAMP – Ownership/Zoning Information
Screenshot from EClips system with Licensee Contact and Address
Copy of License Conditions
License Group Comments Text
March 8, 2022, letter requesting surveillance video
March 28, 2022, letter requesting surveillance video
April 20, 2022, letter requesting surveillance video
Email from Eric Hudak to Manager about Camera Service History
Note of Camera Service done on August 18, 2021
Note of Camera Service done on November 1, 2021
Note of Camera Service done on February 7, 2022
Note of Camera Service done on March 16, 2022

EXHIBIT
tabbies 5-9

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Saint Paul Police Department Call Log from May 6, 2021-May 6, 2022
Saint Paul Police Report Case Number 22036672
Saint Paul Police Report Case Number 22036746
Saint Police Report Case Number 22042088
Saint Paul Police Incident Report 22045710
Saint Paul Police Incident Report 22077852
Photo Stills from March 5, 2022, Surveillance Video
Copy of Surveillance video from March 4 and March 5
Copy of Surveillance video from March 12 and 18 (Restroom hallway view)
Copy of Surveillance video March 12
Copy of Surveillance video March 18



STAMP - Ownership / Zoning Information

New Search | Help using this report

Run Date: 05/06/22 10:05 AM

House#: 857

Last updated from Ramsey County data on:

Street Name: grand

Click on "Other Application" links below to access GISmo, MapIT, and Ramsey County Info

843 Grand Ave / 845 Grand Ave / 849 Grand Ave / 857 Grand Ave - Billy'S On Grand - 55105-3398 - Other Applications

PIN: 022823420125	**Census Track:** 42900	**Census Block:** 4002	**Council Ward:** 2	**District Council:** 16
Year Built:	**Foundation Sq Feet:**	**Loan Company:** 90 Cherokee S	**Land Value:** 1705000	**Building Value:** 2517900

Existing Primary Use: C-Restaurant/Bar	**Legality of Use:**	**Occupancy Group Type:** A-2	**Units:** 0

Zoning: B2 / HPC: Historic / General: EG East Grand Ave / Sign: SSD-GA Grand Ave

Heritage Preservation: HP Inventory #: RA-SPC-1344 / **HP Property Name**: Bingham & Norton / **HP Architect/Builder**: Day, Beaver Wade / General Construction Company / **HP Date Built**: 1915 / **HP Address**: 851-857 Grand Ave. W

Legal Desc: SUMMIT PARK ADDITION TO,ST. PA SUMMIT PARK ADDITION TO,ST. PA LOTS 15 16 17 AND LOT 18 BLK 18

Owner:

East Mall Associates
857 Grand Ave
St Paul MN 55105-3377
651-292-1315

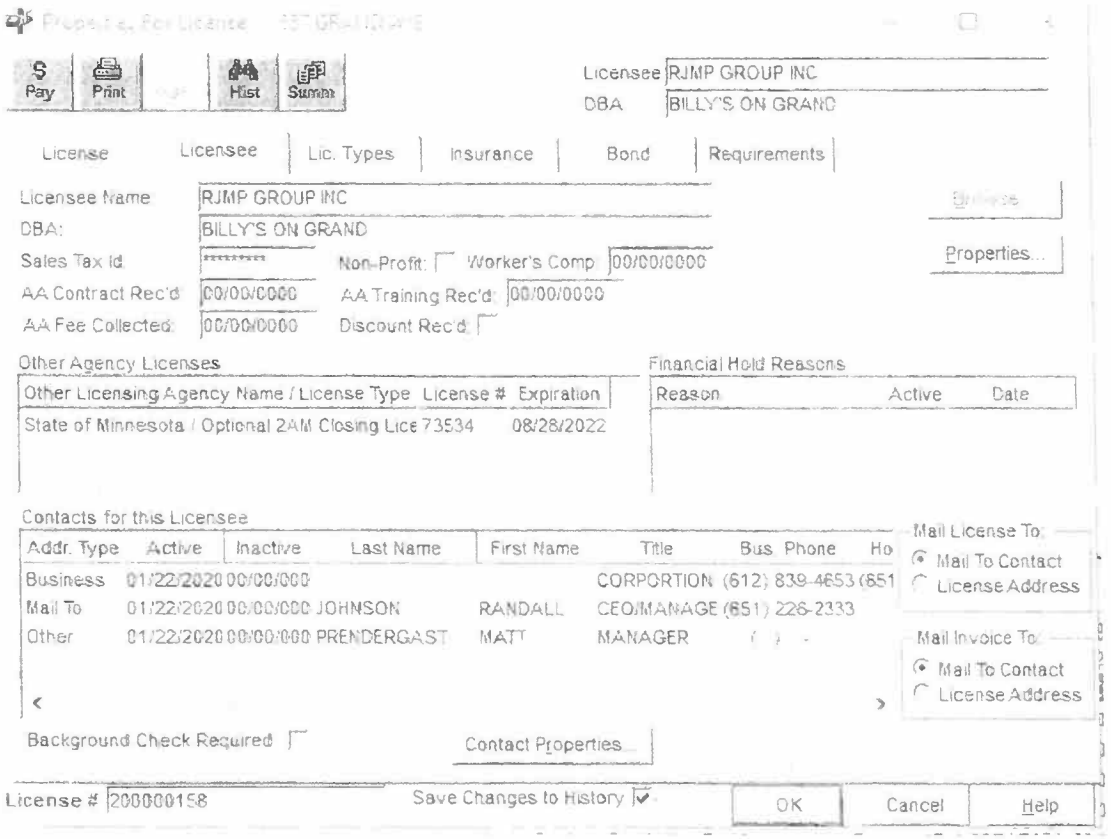
Tax Owner:

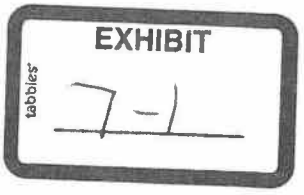
East Mall Associates
857 Grand Ave
St Paul MN

Certificate of Occupancy Responsible Party:

East Mall Assoc/Bill Wengler
857 Grand Ave
St. Paul MN 55105
651-292-1315




Pay
Print
Hist
Summary
Licensee RJMP GROUP INC
DBA BILLY'S ON GRAND
License
Licensee
Lic. Types
Insurance
Bond
Requirements
Licensee Name RJMP GROUP INC
DBA: BILLY'S ON GRAND
Sales Tax Id: *********
Non-Profit:
Worker's Comp 00/00/0000
Properties...
AA Contract Rec'd 00/00/0000
AA Training Rec'd: 00/00/0000
AA Fee Collected: 00/00/0000
Discount Rec'd:
Other Agency Licenses
Other Licensing Agency Name / License Type License # Expiration
State of Minnesota / Optional 2AM Closing Lice 73534 08/28/2022
Financial Hold Reasons
Reason Active Date
Contacts for this Licensee
Addr. Type Active Inactive Last Name First Name Title Bus. Phone Ho
Business 01/22/2020 00/00/000 CORPORTION (612) 839-4653 (651
Mail To 01/22/2020 00/00/000 JOHNSON RANDALL CEO/MANAGE (651) 226-2333
Other 01/22/2020 00/00/000 PRENDERGAST MATT MANAGER
Mail License To:
Mail To Contact
License Address
Mail Invoice To:
Mail To Contact
License Address
Background Check Required
Contact Properties
License # 200000158
Save Changes to History
OK
Cancel
Help


EXHIBIT
tabbies
7-1

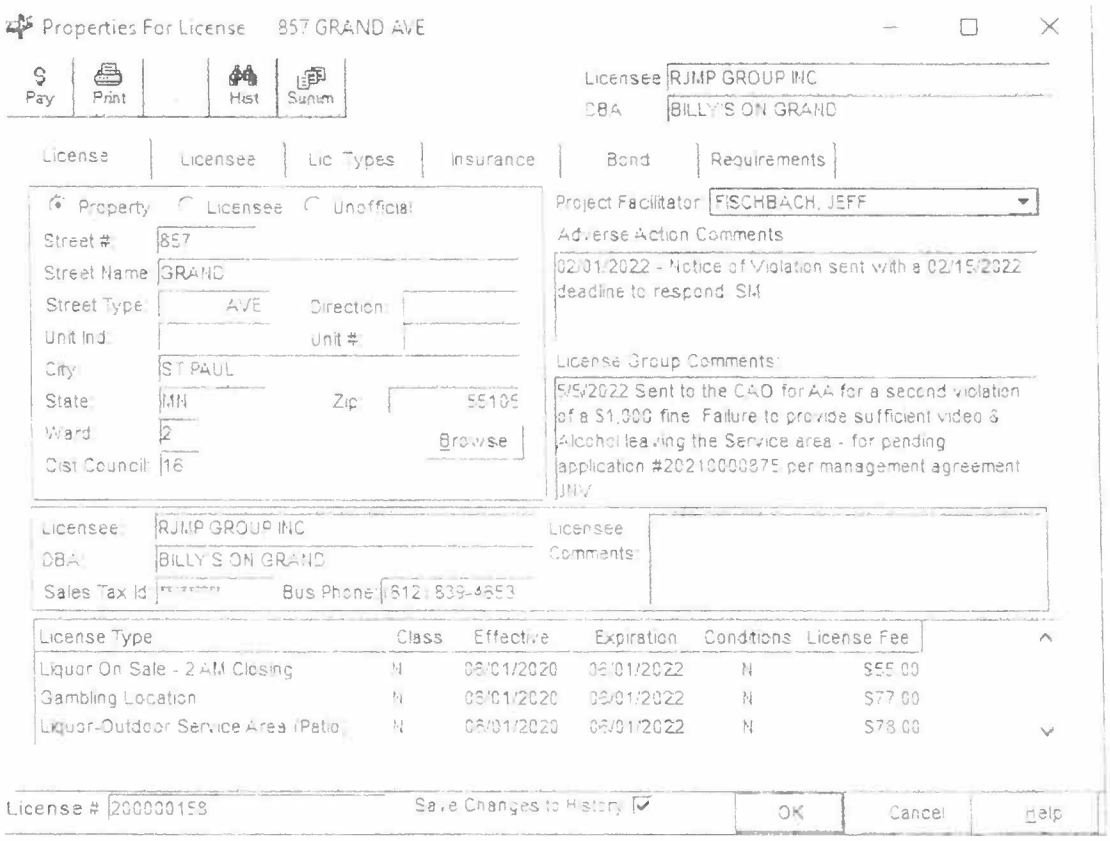


EXHIBIT
tabbies
7-2

License Group Comments Text 05/04/2022

Licensee: RJMP GROUP INC

DBA: BILLY'S ON GRAND

License #: 20200000158

03/29/2022 Orders submit proof MN AGED 2AM lic., response date 04/13/2022. JWF
02/08/2022 $2,303.34 License fee has been paid. LKK
02/08/2022 $500.00 fine payment received and processed. LKK
01/12/2022 - Request for Action sent to CAO for ordinance violations, $500 fine + added conditions
01/27/2022 Mailed invoice amount owed $2,303.34 due 02/11/2022 covering remaining license period thru 06/01/2022. Included statement DSI no longer pro-rates license renewals and next renewal full invoiced amount will be due. RJH/jwf
1/12/2022 Sent AA to CAO per EH entered in by JNV
12/10/2021 Revised invoice was e-mailed to me from Wesley that he received from Ross on 12/03/2021 in the amount of $2,300.00. This amount was paid for over the phone via credit card. The e-mail and revised invoice have been placed in the Project Facilitator bin. LKK
12/02/21 Prorate 3 additional months which ends on 1/1/22. Total due is $1,725.99. RJH
08/02/2021 Rec'd $1,150.66 to prorate fees from 08/01/2021 to 10/01/2021. LAB
07/30/21 Prorating fees for all licenses for another 2 months. Total to be paid is $1,150.66. RJH
05/21/2021 Paid $1,150.00 to prorate fees from 06/1/2021 to 08/01/2021. LAB
5/20/21 Prorating current license for 2 months while waiting for new license to be processed and approved. RJH
05/14/2021 Saint Paul Festival and Heritage Foundation submitted a LG1017 ending operations at site after reportedly informed they are no longer to operate under the current on-sale liquor license holder, RJMP Group Inc., LAWFUL GAMBLING IS NOT PERMITTED AT THE LOCATION FOR ONE-YEAR FROM TODAY'S DATE PER SEC. 409.21(A)(2); however, one-year prohibition does not transfer to a new license holder at the establishment. CLIMB's Assistant Gambling Manager informed it cannot be endorsed by City to conduct lawful gambling at location until licenses issued to new owner. TPF
05/13/2021 City's lawful gambling endorsement requirements emailed to CLIMB Theatre; msg from org stated they "are making arrangements with bar owners from Billy's on Grand in St Paul; they would like us to run charitable gambling in their bar." provided a 5/28/21 projected reopening; organization's Asst Gambling Manager informed SPFHF is endorsed under current license and explained endorsement transition process to new license holder via sale versus under an operating agreement. TPF
02/26/2021 Submitted payment of liq. 2nd half. JWF
02/08/2021 Dlnqt. liq. 2nd half ltr. sent 03/01/2021 response date. JWF
09/29/2020 LIQ 2ND HALF (2020). License issued on 06/01/2020 with 2nd half due 12/01/2020. Mailed 2nd half invoice cancel late fees if paid by due date. JWF
08/20/2020 Per AGED website have not obtain State Optional 2AM Closing license yet. Orders submit required documentation to AGED by 09/11/2020. JWF
6/5/2020 Received floor/site plan for extension of service area for parking lot for lawful gambling - Temporary C-19 application for outdoor expansion and is approved JNV
05/26/2020 Emailed KS outstanding requiremetns so she could contact applicant. 06/01/2020 rck. JWF
04/24/2020 Per KS recheck 05/21/2020 (gray file). JWF
04/13/2020 Rcvd. PA for Matthew Prendergast. KS/jwf
04/07/2020 Rcvd. email from applicant (sent through KS) corp. docs. showing Randall Johnson and Matthew Prenergast equal owners. No PA for Randall Johnson. Emailed KS outstanding requirements to send to applcant. Rob Stanway SPPD security camera plan-review/inspection, MDH rest. lic., completed PA for Matthew Prenergast, Liq. Manuall, proof liq. liab. and WC insurance. App. gray file rck 04/23/2020. JWF
04/01/2020 KS sent email unmet requirements (MDH rest. lic., corp. docs., Liq. Manuall, proof liq. liab. and W/C insurance). 04/23/2020 recheck. JWF
03/30/2020 No objection to lic. notice per Nhia Vang's office. Leg. Hrg. Officer. JWF
2/12/20 letter sent, need signatures of all officers/stockholders on purchase agreement and management agreement. KS
02/10/2020 SPFHF submitted LG215 & support docs for RJMP Group Inc, gambling endorsement compliant. TPF
02/06/2020 Lic. notice sent. 78M/35EM, response date 03/27/2020. JWF
01/24/2020 To EH/KS for review. JWF

EXHIBIT
tabbies 8-1

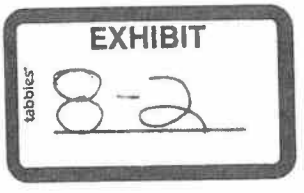
Adverse Action Comments Text 05/04/2022

Licensee: RJMP GROUP INC

DBA: BILLY'S ON GRAND

License #: 20200000158

02/01/2022 - Notice of Violation sent with a 02/15/2022 deadline to respond. SM



DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone 651-266-8989
Facsimile 651-266-9124
Web www.stpaul.gov/dsi

March 8, 2022

DWD Group LLC.
Billy's On Grand
857 Grand Ave
St. Paul, MN 55105

HAND DELIVERED AND E-MAILED ON MARCH 8, 2022

Mr. Wesley Spearman and Mr. Chuck Gilbert,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following periods:

From 9:30 p.m. until 11:00 p.m. on Friday, March 4, 2022.

From 12:30 a.m. until 2:00 a.m. on Saturday, March 5, 2022.

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 **no later** than **4:00 p.m. on Friday, March 11, 2022.** Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Atty. Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Wesley Spearman 204 N. McCarrons Apt #8, St. Paul, MN. 55113
Darcy Golish 2238 Heath Ave N. Oakdale, MN. 55128
Randall Johnson, 7504 269th Ave. NE Stacy, MN. 55079

An Equal Opportunity Employer

EXHIBIT
tabbies 9-1

DEPARTMENT OF SAFETY AND INSPECTIONS
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220
St Paul, Minnesota 55101-1806

Telephone 651-266-8989
Facsimile 651-266-9124
Web www.stpaul.gov/dsi

March 28, 2022

DWD Group LLC
Billy's On Grand
857 Grand Ave
St. Paul, MN 55105

HAND DELIVERED - MARCH 28, 2022

Mr. Wesley Spearman and Mr. Chuck Gilbert,

In accordance with a condition set forth in your City of Saint Paul issued license(s) you are hereby requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following periods:

From 11:00 p.m. on Saturday, March 12, 2022, until 12:30 a.m. on Sunday, March 13, 2022.

From 11:30 p.m. on Friday, March 18, 2022, until 1:00 a.m. on Saturday, March 19, 2022.

The requested copy of video must be delivered in a commonly used, readable format to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 **no later** than **4:00 p.m. on Thursday, March 31, 2022.** Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Atty. Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Wesley Spearman 204 N. McCarrons Apt #8, St. Paul, MN 55113
Randall Johnson, 7504 269th Ave. NE Stacy, MN, 55079

An Equal Opportunity Employer

EXHIBIT
tabbies
10-1

SAINT PAUL
SAFETY & INSPECTIONS

DEPARTMENT OF SAFETY & INSPECTIONS (DSI)
ANGIE WIESE, INTERIM DIRECTOR

375 Jackson Street, Suite 220
Saint Paul, MN 55101-1806
Tel: 651-266-8989 | Fax: 651-266-9124

April 20, 2022

DWD Group LLC.
Billy's On Grand
857 Grand Ave
St. Paul, MN 55105

HAND DELIVERED – April 20, 2022

RE: VIDEO REQUEST NOT SATISFIED

Mr. Wesley Spearman and Mr. Chuck Gilbert,

This letter is to inform you the video footage you recently submitted to the Department of Safety and Inspections (DSI) is incomplete and provide you the opportunity to correct that deficiency.

In a letter dated March 28, 2022, and in accordance with a condition attached to Billy's on Grand licenses, you were requested to provide a copy of continuous, uninterrupted video footage from all camera views of your camera surveillance system for the following periods:

- **11:00 pm. on Saturday, March 12, 2022, until 12:30 am. on Sunday, March 13, 2022.**
- **11:30 pm. on Friday, March 18, 2022, until 1:00 am. on Saturday, March 19, 2022.**

The video footage you submitted did not include views from cameras #24 and #29-1,2,3,4.

Please provide the missing requested footage in a commonly used, readable format to the Department of Safety and Inspections located at 375 Jackson Street, Suite 200, Saint Paul MN 55101 **no later** than **4:00 p.m. on Friday, April 22, 2022.**

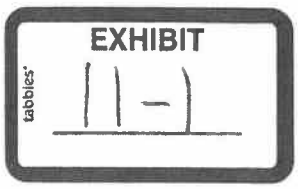
Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

This DSI video request is separate and independent from any similar video request which may have been made by the Saint Paul Police Department and must be satisfied accordingly.

Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak
Licensing Manager, Department of Safety and Inspections

cc: Asst. City Atty. Therese Skarda, Saint Paul City Attorney's Office
Sgt. Charles Graupman, Saint Paul Police Department
Wesley Spearman 204 N. McCarrons Apt #8, St. Paul, MN. 55113
Randall Johnson, 7504 269th Ave. NE. Stacy, MN. 55079



Voyda, Joseph (CI-StPaul)

From: Hudak, Eric (CI-StPaul)
Sent: Thursday, May 5, 2022 2:07 PM
To: Voyda, Joseph (CI-StPaul)
Subject: FW: Camera Service History
Attachments: Billys 220300537.pdf; Billys 220300386.pdf; Billys 220200221.pdf; Billys 211100017.pdf; Billys 210800505.pdf

From: Hudak, Eric (CI-StPaul)
Sent: Thursday, April 21, 2022 10:10 AM
To: wesbillysongrand@gmail.com
Subject: FW: Camera Service History

Wes,

Three of the five service reports you provided appear completely unrelated to the missing video request and do not substantiate your inability to provide footage from cameras #24 and #29 on 3/12/2022 and 3/18/2022.

The other two reports appear identical (copies of one another) and note work performed only on camera #29, not #24. That order seemingly explains that camera #29 could have been inoperable on 3/12/2022 but notes that is was verified as operational on 3/17/2022 and therefore does not explain your inability to provide footage from it on 3/18/2022.

In summary, the reports do not substantiate that camera #24 was inoperable on 3/12/2022 or 3/18/2022, or that camera #29 was inoperable on 3/18/2022.

Are there any other service reports you can provide?

Eric

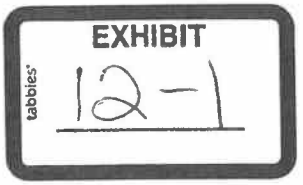
SAINT PAUL
MINNESOTA

Eric Hudak
Licensing Manager
Dept. of Safety and Inspections
375 Jackson Street, Suite 200
Saint Paul, MN 55101-1806
P: 651 266-9132

From: Wesley Spearman <wesbillysongrand@gmail.com>
Sent: Wednesday, April 20, 2022 8:20 PM
To: Hudak, Eric (CI-StPaul) <Eric.Hudak@ci.stpaul.mn.us>
Subject: Fwd: Camera Service History

Think Before You Click: This email originated outside our organization

Erick,



Let me know, what else I can provide. Thanks

---------- Forwarded message ---------
From: <bmillard@electrowatchman.com>
Date: Wed, Apr 20, 2022 at 2:16 PM
Subject: Camera Service History
To: <wesbillysongrand@gmail.com>

Wes – Please see attached documents of service calls going back to August 2021.

Thank you,

Brenda Millard

Service Coordinator

Electro Watchman, Inc.

651-227-8461 main

651-310-1261 desk

651-310-1295 fax



ELECTRO WATCHMAN, INC.

Security Alarms – Fire Alarms – Camera Surveillance – Door Access Control – Door Entry/Intercom

1 Water St West, Suite 110

St Paul, MN 55107

Monitoring Station & 24/7 – (651) 227-8461

Service/Installation – (651) 310-1261



Billing – (651) 310-1255

electrowatchman.com

As always, our Central Monitoring Station is open 24 hours a day, 7 days a week. Contact our Central Monitoring Station at 800-223-8599 if you need any assistance during holiday hours, including emergency service or repair.



Job #: 210800505 Status: **Closed** Create Date: 8/18/2021 10:22:14

Site:
BILLY'S ON GRAND
857 GRAND AVE
ST. PAUL, MN 55105

Dealer: **Electro Watchman - Saint Paul**

Cross Street:

Ph: **(651) 292-9140**

System Type: **CCTV System - General** Status: **Active** Active Date: **2/28/2020**

Panel ID: Alt ID: Install Date:

Description: **HIKVISION**

Job Request: **Service - Other (S)** Requested By: WESLEY

Notes: **08/20/21-WESLEY FORGOT PASSWORD. REST PASSWORD AND GAVE INFO TO WESLEY. FOUND BAD POWER TO A CAMERA SO SWAPPED TO ANOTHER TRANSFORMER. GOT CAMERA SYSTEM INFO TOGETHER TO FULFILL ST. PAUL POLICE NEEDS.**

Warranty: **Y / N** Service Contract: **Y / N** Add-on: **Y / N** Lease: **Y / N** Other: _____

Service Person: _____ Needs Further Action: **Y / N**

Commitment Date: **8/20/2021** Start Time: End Time:

Date Arrived: _____ Time Arrived: _____ Time Left: _____

Work Performed: _____

Qty	Part #	Description	Unit Price	Extension
			$.	$.
			$.	$.
			$.	$.
			$.	$.

Total Part Cost: $.

Labor Cost: $.

Origination Fee: $.

Total: $.

X _____ ___/___/_____ X _____ ___/___/_____

Technician Signature Date Customer Signature Date

Printed 4/20/2022 14:13:16 by MILLARD, BRENDA

EXHIBIT
tabbies 13-1

Job # 211100017 Status: Closed Create Date 11/1/2021 10:36:33

Site
BILLY'S ON GRAND
857 GRAND AVE
ST. PAUL, MN 55105

Dealer Electro Watchman - Saint Paul
Cross Street
Ph (651) 292-9140

System Type CCTV System - General Status Active Active Date 2/28/2020
Panel ID Alt ID Install Date
Description HIKVISION
Job Request Service - Other (S) Requested By DARCY GOLISH
Notes 11/03/21-GET CCTV APP ON DARCY'S PHONE AS WELL AS SOMEONE FROM DETRIOT THAT SHE WILL HAVE ON FACETIME. GOT HIKVISION SET UP ON DARCY'S PHONE. SHOWED HER HOW TO SET IT UP ON OTHER PEOPLE'S PHONES.

Warranty Y / N Service Contract Y / N Add-on Y / N Lease Y / N Other _____
Service Person _____ Needs Further Action Y / N
Commitment Date Start Time End Time
Date Arrived _____ Time Arrived _____ Time Left _____

Work Performed: _____

Qty	Part #	Description	Unit Price	Extension
			$.	$.
			$.	$.
			$.	$.
			$.	$.
			Total Part Cost	$.
			Labor Cost	$.
			Origination Fee	$.
			Total	$.

X _____ / / Technician Signature Date
X _____ / / Customer Signature Date

Printed 4/20/2022 14 10 52 by MILLARD, BRENDA

EXHIBIT
tabbies 14-1

Job #: 220200221 Status: **Closed** Create Date: 2/7/2022 09:20:43

Site
BILLY'S ON GRAND
857 GRAND AVE
ST. PAUL, MN 55105

Dealer: **Electro Watchman - Saint Paul**
Cross Street:
Ph: **(651) 292-9140**

System Type: **CCTV System - General** Status: **Active** Active Date: **2/28/2020**
Panel ID: Alt ID: Install Date:
Description: **HIKVISION**
Job Request: **Service - Other (S)** Requested By: WESLEY SPEARM
Notes: **02/07/22-GETTING A WARNING LIGHT ON CAMERA SOFTWARE THAT NETWORK CONNECTION IS UNSTABLE. FOUND CUSTOMER HAVING ISSUES WHEN TRYING TO VIEW ON HIS PHONE. ADJUSTED RECORDER SETTINGS & ALL FINE.**

Warranty **Y / N** Service Contract **Y / N** Add-on **Y / N** Lease **Y / N** Other: _____
Service Person: _____ Needs Further Action **Y / N**
Commitment Date: Start Time: End Time:
Date Arrived: _____ Time Arrived: _____ Time Left: _____

Work Performed: _____

Qty	Part #	Description	Unit Price	Extension
			$.	$.
			$.	$.
			$.	$.
			$.	$.

Total Part Cost $.
Labor Cost $.
Origination Fee $.
Total $.

X _____ ___/___/_____ X _____ ___/___/_____
Technician Signature Date Customer Signature Date

EXHIBIT
tabbies 15-1

Printed 4/20/2022 14:00:58 by MILLARD, BRENDA

Job #: **220300537** Status: **Closed** Create Date: **3/16/2022 10:54:48**

Site:
BILLY'S ON GRAND
857 GRAND AVE
ST. PAUL, MN 55105

Dealer: **Electro Watchman - Saint Paul**

Cross Street:
Ph: **(651) 292-9140**

System Type: **CCTV System - General** Status: **Active** Active Date: **2/28/2020**
Panel ID: Alt ID: Install Date:
Description: **HIKVISION**
Job Request: **Service - Other (S)** Requested By: **WESLEY**
Notes: **03/17/22-QUAD CAMERA #29 IS DOWN. POWER CYCLED QUAD CAMERA UNIT AND VERIFIED CAMERA IS BACK UP.**

Warranty: **Y / N** Service Contract: **Y / N** Add-on **Y / N** Lease: **Y / N** Other: _____
Service Person _____ Needs Further Action: **Y / N**
Commitment Date: Start Time: End Time:
Date Arrived: _____ Time Arrived: _____ Time Left: _____

Work Performed: _____

Qty	Part #	Description	Unit Price	Extension
			$.	$.
			$.	$.
			$.	$.
			$.	$.

Total Part Cost $.
Labor Cost $.
Origination Fee $.
Total: $.

X _____ ___/___/___ X _____ ___/___/___
Technician Signature Date Customer Signature Date

EXHIBIT
tabbies 16-1

Printed: 4/20/2022 13:58:27 by: MILLARD, BRENDA

Saint Paul Police Department

Search Filter=> Date Range Column: CAD Data, Date Range Type: Exact From 5/6/2021 12:00:00 AM To 5/6/2022 11:59:00 PM
LocationFilter: HouseNumber: From: 857,StreetSearchType: Street,StreetName: [GRAND]

ID	CN	CALLDATE	DISPOSITION	PRIMARYRMSOFFENSE	ADDRESS
1	21093346	05/10/2021 11:27	A	ALARMS	857 GRAND AV ,
2	21103298	05/23/2021 11:14	A	ALARMS	857 GRAND AV ,
3	21103907	05/24/2021 09:12	C7	ALARMS	857 GRAND AV ,
4	21123454	06/18/2021 01:02	A	ALARMS	857 GRAND AV ,
5	21124238	06/19/2021 00:01	G	911 HANGUP	857 GRAND AV ,
6	21124320	06/19/2021 02:10	F	ALARMS	857 GRAND AV ,
7	21124998	06/19/2021 23:39	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
8	21134658	07/02/2021 13:37	G	THEFT EXCEPT AUTO THEFT	857 GRAND AV ,
9	21135537	07/03/2021 13:22	C7	ALARMS	857 GRAND AV ,
10	21137048	07/05/2021 10:19	C7	ALARMS	857 GRAND AV ,
11	21138914	07/07/2021 20:35	G	911 HANGUP	857 GRAND AV ,
12	21145194	07/16/2021 01:19	G	DOMESTICS	857 GRAND AV ,
13	21146005	07/16/2021 23:41	RR	WARRANT ARREST-WHERE NO CN IS REF ON WARRANT	857 GRAND AV ,
14	21146717	07/17/2021 22:44	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
15	21156134	07/29/2021 23:50	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
16	21160629	08/04/2021 21:34	RR	TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN	857 GRAND AV ,
17	21163570	08/09/2021 02:57	C7	ALARMS	857 GRAND AV ,
18	21164259	08/10/2021 00:11	C6	ALARMS	857 GRAND AV ,
19	21171901	08/19/2021 18:10	TK	TRAFFIC-STOP/ADVISE	857 GRAND AV ,
20	21175415	08/24/2021 10:25	C6	ALARMS	857 GRAND AV ,
21	21179738	08/30/2021 00:08	F	ALARMS	857 GRAND AV ,
22	21187417	09/08/2021 03:41	C6	ALARMS	857 GRAND AV ,
23	21187533	09/08/2021 09:33	A	HARASSMENT-PHONE CALLS	857 GRAND AV ,
24	21188212	09/09/2021 01:35	F	ALARMS	857 GRAND AV ,
25	21188953	09/09/2021 23:16	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
26	21195079	09/17/2021 20:05	C6	ALARMS	857 GRAND AV ,
27	21195676	09/18/2021 15:44	A	TRAFFIC VIOLATION-OTHER PARKING VIOLATIONS	857 GRAND AV ,
28	21197447	09/20/2021 23:37	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
29	21198503	09/22/2021 11:44	A	CHECK WELFARE	857 GRAND AV ,
30	21202033	09/26/2021 16:08	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	857 GRAND AV ,
31	21203754	09/28/2021 15:57	A	INVESTIGATE-CODE ENFORCEMENT	857 GRAND AV ,
32	21203985	09/29/2021 00:08	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
33	21204849	09/30/2021 03:39	F	ALARMS	857 GRAND AV ,
34	21207393	10/3/2021 12:07	RR	ASSAULT-OTHER ASSAULTS,ALL	857 GRAND AV ,
35	21207732	10/3/2021 22:31	A	DISTURBANCE-DISTURBANCE CALLS	857 GRAND AV ,
36	21208071	10/4/2021 13:46	A	DOMESTICS	857 GRAND AV ,
37	21208935	10/5/2021 15:30	A	OTHER ASSAULTS	857 GRAND AV ,
38	21212315	10/10/2021 4:24	A	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	857 GRAND AV ,
39	21214950	10/14/2021 0:15	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
40	21216431	10/16/2021 1:23	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
41	21217159	10/17/2021 1:04	RR	ASSAULTS-FELONY(INCLUDING TERRORISTIC THREATS)	857 GRAND AV ,
42	21221562	10/23/2021 2:38	C6	ALARMS	857 GRAND AV ,
43	21222076	10/23/2021 22:50	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
44	21223181	10/25/2021 17:01	A	COMMUNITY ORIENTED/OUTREACH EVENT	857 GRAND AV ,
45	21225640	10/29/2021 0:25	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
46	21226360	10/29/2021 23:55	G	TRAFFIC VIOLATION-DANGEROUS CONDITIONS	857 GRAND AV ,
47	21226445	10/30/2021 3:08	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
48	21227098	10/31/2021 1:08	G	DISTURBANCE-FIGHTS	857 GRAND AV ,
49	21227308	10/31/2021 10:42	G	OTHER ASSAULTS	857 GRAND AV ,
50	21227390	10/31/2021 14:13	RR	ASSAULT-OTHER ASSAULTS,ALL	7 GRAND AV ,
51	21232035	11/6/2021 22:54	A	OFF DUTY EMPLOYMENT	7 GRAND AV ,

EXHIBIT
tabbies 17-1

52	21232037	11/6/2021 22:55	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
53	21232609	11/7/2021 23:28	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
54	21236030	11/13/2021 0:41	G	DISTURBANCE-FIGHTS	857 GRAND AV ,
55	21238395	11/16/2021 22:59	G	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	857 GRAND AV ,
56	21242619	11/23/2021 11:49	RR	ASSAULT-OTHER ASSAULTS,ALL	857 GRAND AV ,
57	21243702	11/25/2021 0:12	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
58	21249360	12/4/2021 0:55	A	DISTURBANCE-DISTURBANCE CALLS	857 GRAND AV ,
59	21258294	12/18/2021 0:17	U	DISTURBANCE-DISTURBANCE CALLS	857 GRAND AV ,
60	21258339	12/18/2021 1:43	G	DISTURBANCE-DISTURBANCE CALLS	857 GRAND AV ,
61	21260191	12/21/2021 14:23	A	OTHER ASSAULTS	857 GRAND AV ,
62	21261503	12/23/2021 16:26	A	INVESTIGATE-CIVIL PROBLEM	857 GRAND AV ,
63	21262246	12/25/2021 0:32	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
64	21263096	12/26/2021 22:09	A	DISTURBANCE-DISORDERLY BOYS,GIRLS,PERSONS	857 GRAND AV ,
65	21817930	11/30/2021 22:46	RR	THEFT-FROM AUTO,UNDER $500	857 GRAND AV ,
66	22003216	01/06/2022 23:55	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
67	22004480	01/09/2022 11:33	C6	ALARMS	857 GRAND AV ,
68	22005107	01/10/2022 16:51	G	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	857 GRAND AV ,
69	22006139	01/12/2022 16:06	RR	RECOVERED-PROPERTY	857 GRAND AV ,
70	22007525	01/15/2022 00:11	G	DISTURBANCE-DISTURBANCE CALLS	857 GRAND AV ,
71	22010944	01/21/2022 01:35	C6	ALARMS	857 GRAND AV ,
72	22012038	01/23/2022 00:40	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
73	22012652	01/24/2022 15:35	RR	DWI-GROSS MISDEMEANOR	857 GRAND AV ,
74	22015960	01/29/2022 23:43	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
75	22016013	01/30/2022 01:14	A	DISTURBANCE-FIGHTS	857 GRAND AV ,
76	22016191	01/30/2022 12:07	S	ROBBERY	857 GRAND AV ,
77	22016262	01/30/2022 15:06	RR	ROBBERY-HIGHWAY,FIREARM	857 GRAND AV ,
78	22017697	02/01/2022 18:48	RR	BURGLARY-FORCED ENTRY,DAY,COMMERCIAL	857 GRAND AV ,
79	22018168	02/02/2022 16:26	PCN	PREVIOUS CN	857 GRAND AV ,
80	22019008	02/03/2022 23:54	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
81	22019043	02/04/2022 02:00	S	MISSING PERSONS	857 GRAND AV ,
82	22019628	02/05/2022 01:22	RR	AGG ASSAULT-W/OTHER DANGEROUS WEAPONS	857 GRAND AV ,
83	22020256	02/06/2022 09:46	RR	THEFT-ALL OTHER,UNDER $500	857 GRAND AV ,
84	22020906	02/07/2022 15:05	C5	911 HANGUP	857 GRAND AV ,
85	22025983	02/15/2022 23:15	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
86	22027776	02/18/2022 15:47	G	911 HANGUP	857 GRAND AV ,
87	22029173	02/20/2022 22:55	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
88	22032653	02/26/2022 19:41	A	DISTURBANCE-FIGHTS	857 GRAND AV ,
89	22036746	03/05/2022 01:44	RR	AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC	857 GRAND AV ,
90	22037056	03/05/2022 18:02	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
91	22037246	03/06/2022 00:41	U	911 HANGUP	857 GRAND AV ,
92	22037715	03/06/2022 20:05	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
93	22041066	03/11/2022 22:47	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
94	22041075	03/11/2022 23:07	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
95	22041690	03/12/2022 23:00	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
96	22041700	03/12/2022 23:25	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
97	22042059	03/13/2022 16:12	S	OTHER ASSAULTS	857 GRAND AV ,
98	22042088	03/13/2022 17:20	RR	ASSAULT-OTHER ASSAULTS,ALL	857 GRAND AV ,
99	22042254	03/13/2022 23:03	A	ASS-ASSIST CITIZEN CALLS, ALL	857 GRAND AV ,
100	22043589	03/15/2022 23:08	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
101	22044931	03/17/2022 23:10	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
102	22044988	03/18/2022 00:37	RR	INVESTIGATE-CODE ENFORCEMENT	857 GRAND AV ,
103	22045673	03/18/2022 23:05	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
104	22045679	03/18/2022 23:15	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
105	22045710	03/18/2022 23:43	A	INVESTIGATE-CODE ENFORCEMENT	857 GRAND AV ,
106	22045936	03/19/2022 11:23	C6	ALARMS	857 GRAND AV ,
107	22046145	03/19/2022 18:12	A	POLICE VISIT-PROACTIVE POLICE VISIT	AND AV ,
108	22046178	03/19/2022 19:38	A	POLICE VISIT-PROACTIVE POLICE VISIT	AND AV ,



109	22046332	03/20/2022 00:32	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
110	22046420	03/20/2022 04:56	RR	THEFT-AUTO ACCESSORIES,UNDER $500	857 GRAND AV ,
111	22047772	03/22/2022 11:31	S	TRAFFIC ACCIDENT-PROPERTY DAMAGE,HIT & RUN	857 GRAND AV ,
112	22050590	03/26/2022 11:51	F	ALARMS	857 GRAND AV ,
113	22051006	03/26/2022 23:48	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
114	22051185	03/27/2022 10:09	C6	ALARMS	857 GRAND AV ,
115	22053612	03/30/2022 22:20	U	DISTURBANCE-DISTURBANCE CALLS	857 GRAND AV ,
116	22054340	04/01/2022 00:09	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
117	22054363	04/01/2022 00:59	RR	WARRANT-OOC WARRANT SERVED	857 GRAND AV ,
118	22054934	04/01/2022 22:43	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
119	22054994	04/01/2022 23:49	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
120	22056062	04/03/2022 19:42	RR	ASSAULT-OTHER ASSAULTS,ALL	857 GRAND AV ,
121	22058241	04/07/2022 01:39	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
122	22062209	04/13/2022 00:35	G	DISTURBANCE-SUSPICIOUS PERSON, CAR, ACTIVITY	857 GRAND AV ,
123	22064549	04/16/2022 18:31	A	THEFT EXCEPT AUTO THEFT	857 GRAND AV ,
124	22066541	04/19/2022 20:33	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND AV ,
125	22067271	04/20/2022 22:49	RR	INVESTIGATE-CODE ENFORCEMENT	857 GRAND AV ,
126	22070007	04/25/2022 00:15	RR	INVESTIGATE-AND ALL OTHER	857 GRAND AV ,
127	22071644	04/27/2022 13:57	A	PERSON IN CRISIS	857 GRAND AV ,
128	22812706	04/16/2022 20:53	RR	THEFT-ALL OTHER,UNDER $500	857 GRAND AV ,



Saint Paul Police Department

PUBLIC

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number	Reference C.N.	Date and Time of Report
22036672		03/04/2022, 22:56

Primary offense
DWI-GROSS MISDEMEANOR

Primary Reporting Officer:	ADAMS, TOMMY	*Name of location/business:*	
Primary squad:	511	*Location of incident:*	Western Avenue N / Summit Avenue, St Paul
Secondary reporting officer:			
District:	Central District	*Date & time of occurrence:*	03/04/2022, 22:56 to 03/05/2022, 00:35
Site:	Western Ave N / Summit Ave		
Secondary offense:		*Arrest made?*	Yes
Pursuit engaged?	No	*Resistance encountered?*	No

Weapons Used by Suspect at Time of Arrest

Unarmed

Arrest

Name:	Hager, Rachel Christine	*Date & time of arrest:*	03/05/2022, 23:11
Booking date:	03/05/2022	*Arrest Status:*	Probable Cause
Booking time:	23:11	*Arrest made on view:*	Yes
Booking #		*Arrest made on warrant or previous CN:*	
Warrant number:		*Originating agency:*	

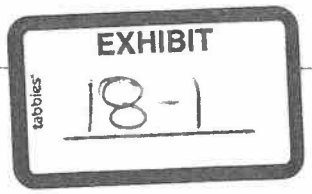
Names

Arrestee: Hager, Rachel Christine

ST PAUL MN 55101

PUBLIC NARRATIVE

On 03/04/2022 at approximately 2256 hours I was driving a marked squad vehicle patrolling in the Summit Hill area (Western Ave and Summit Ave) and I observed a white vehicle (MN/651-JVW) facing north on Western Ave at Summit Ave on a curb near a street pole and the vehicle was parked on a small snow bank.. I saw a male and female standing at the rear of the vehicle speaking so I decided make an investigative stop. I spoke with the female, who was the driver/owner of the vehicle, who appeared under the influence of alcohol beverages. After conducting Field Sobriety testing, it was determined the female was intoxicated. Subsequently, RACHEL CHRISTINE HAGER (46/F/136 WESTERN AVE N # 102) was arrested for 3rd degree Gross Misdemeanor DWI and booked at the RAMSEY COUNTY ADULT DETENTION CENTER.



Saint Paul Police Department

PUBLIC

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number	Reference C.N.	Date and Time of Report
22036746		03/05/2022, 01:44

Primary offense
AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC

Primary Reporting Officer:	Vogt, Logan	Name of location/business:	
Primary squad:	128T	Location of incident:	857 Grand Avenue, St Paul, MN 55105
Secondary reporting officer:	Jones, Sean		
District:	West District	Date & time of occurrence:	03/05/2022, 01:43 to 03/05/2022, 03:49
Site:	857 Grand Ave		
Secondary offense:	CRIMINAL DAMAGE TO PROPERTY (GM $501 TO $1000)	Arrest made?	
Pursuit engaged?	No	Resistance encountered?	No

Weapons Used by Suspect at Time of Arrest

(None)

Arrest (None)

Names

Victim:

Suspect: Unknown

Other: Unknown

PUBLIC NARRATIVE

On 03/05/22 at approximately 0143 hours, SPPD officers responded to Billy's on Grand at 857 Grand Ave for a report of an assault in which an individual had been shot. Suspect(s) are not known at this time.

EXHIBIT
tabbies
19-1

Information Requested by: 237725

Printed at: 05/06/2022, 10:33

1/1

Saint Paul Police Department

PUBLIC

ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number	Reference C.N	Date and Time of Report
22042088		03/13/2022, 17:20

Primary offense
ASSAULT-OTHER ASSAULTS,ALL

Primary Reporting Officer:	LOWY, CHRISTINE	*Name of location/business:*	
Primary squad:	161	*Location of incident:*	857 Grand Avenue, St Paul, MN 55105
Secondary reporting officer:	Lyfoung, Albert		
District:	West District	*Date & time of occurrence:*	03/13/2022, 17:18 to 03/13/2022, 19:34
Site:	857 Grand Ave		
Secondary offense:		*Arrest made?*	
Pursuit engaged?	No	*Resistance encountered?*	No

Weapons Used by Suspect at Time of Arrest

(None)

Arrest (None)

Names

Suspect: Unknown

Victim:

Owner:

PUBLIC NARRATIVE

On 3/13/22 at approximately 1736 hrs. St Paul Squads responded to Billy's on Grand, located at 857 Grand Ave, for an assault report that was no longer in progress. Staff at Billy's were unable to provide access to all the cameras on the property and did not have the means to make a copy of the video upon the officer's request. Unknown suspect.



SAINT PAUL POLICE

CASE NUMBER: 22-045710

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Incident Overview

Case Status	:	**Active**	Occ Date From	:	**03/18/2022, 23:43**
Case Number	:	**22-045710**	Occ Date To	:	**03/18/2022, 23:59**
Reported Date	:	**03/18/2022, 23:43:27**	Bias Motivation	:	
Location	:	**857 Grand Avenue, St. Paul, MN 55104**	Arrest	:	
			Resistance Encountered	:	**No**
Offenses	:	**Investigate-Code Enforcement**			

Incident Summary

Created by: **03/21/2022, 10:06**

Fight reported at Billy's on Grand by Ramsey County Deputies. RCSO deputies reportedly work in an off duty capacity at the premises. RCSO deputies called for SPPD emergency assistance during this incident. 19 SPPD squad cars responded to or toward the scene due to the request of emergency assistance. 10 SPPD officers arrived and met with 3 RCSO deputies who had a male in custody who was later boked into jail. RCSO CN 22-136-820. No SPPD personnel involved in any arrest or applied any force. CODE ENFORCEMENT REPORT

CASE NUMBER: 22-045710

EXHIBIT tabbies 21-1

SAINT PAUL POLICE

CASE NUMBER: 22-045710

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

EXHIBIT tabbies 21-2

Staff Involved

Officer	Type	BWC	ICC	Resistance Encounter	Force Used	Vehicle Pursuit
Graupman, Charles	Submitter, Primary	No		No	No	No
Lego, Joshua	Submitter, Supervisor			No	No	No
Mueller, Thomas	Assisting			No	No	No

Narratives

Narrative 1 Created by: **LEGO, JOSHUA** **03/21/2022, 10:06**

Synopsis :

Fight reported at Billy's on Grand by Ramsey County Deputies. RCSO deputies reportedly work in an off duty capacity at the premises. RCSO deputies called for SPPD emergency assistance during this incident.

19 SPPD squad cars responded to or toward the scene due to the request of emergency assistance. 10 SPPD officers arrived and met with 3 RCSO deputies who had a male in custody who was later boked into jail.

RCSO CN 22-136-820. No SPPD personnel involved in any arrest or applied any force.

CODE ENFORCEMENT REPORT

Narrative :

On 03-21-2022 I, Senior Commander Joshua Lego, was assigned to the Western District. I was reviewing incidents that transpired over the weekend when I learned about a fight call and emergency response by SPPD personnel to Billy's on Grand. This incident at Billy's took place on 03-18-2022 at 1243 hours.

I did not respond to this call. I reviewed SPPD personnel BWC footage to generate an understanding of the event. This address was deemed a mandatory report address by Commander Corcoran who supervises Investigations and Code Enforcement activities in the Western District. My report fulfills the mandatory report designation for this address.

I located this SPPD CN 22-045-710 in our CAD records. This incident involved Ramsey County Deputies who were reportedly working at Billy's in an off-duty security capacity. A fight was reported over the SPPD main channel and a 10-1 was reportedly called. The 10-1 designation from an

CASE NUMBER: 22-045710

SAINT PAUL POLICE

CASE NUMBER: 22-045710

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

officer on the scene of action indicates an emergency is underway and the radio channel needs to be cleared for emergency traffic. It is the custom and practice for all available police officers in the area of a 10-1 to respond and assist or respond until the situation has become non-emergent and stabilized.

According to CAD records, 19 SPPD police vehicles responded to the call. 10 SPPD officers arrived on scene and it was determined the situation was stabilized. All other responding officers were released from their response.

I recognized RCSO Deputy A. Graham and RCSO Undersheriff Mike Martin on SPPD Officer Tom Mueller's BWC footage. These two Sheriff's employees were involved in the incident at Billy's. They did not require our assistance with the arrest or apprehension of the person they arrested.

Two persons who were with the arrested person inside the bar, also not allowed inside the establishment, were on the sidewalk and street nearby the squad car where the arrested person was placed. SPPD officers maintained a protective perimeter around the arrest scene to prevent those two persons from interrupting or interfering with the RCSO arrest process.

Narrative 2 Created by: **GRAUPMAN, CHARLES** **03/23/2022, 10:49**

Synopsis :

Narrative :

I, Sgt. C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 03/21/22, I received this case on transfer for review and investigation, due to potential code and life safety concerns related to this property. I then began by reviewing all of the included reports and information, as well as any pictures if applicable. The reports on all parties involved were reviewed to determine the course of investigation, as well as the level and probability of solvability. This is all done for information gathering purposes, as well as possible future criminal charges.

EXHIBIT tabbies 21-3

SAINT PAUL POLICE

CASE NUMBER: 22-045710

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Offenses

Offense 1 - INVESTIGATE-CODE ENFORCEMENT

NIBRS Offense Description	:	Criminal Activity Gang Info	:
Crime Scene Type	:	Weapons Used	:
Forced Entry	:	Bias Motivation	:
Attempt Only	:	Bias Target	:
Number Of Premises Entered	:	Bias Based On	:
Offender Suspected Of Using	:		

Offense 2 - INVESTIGATE-CODE ENFORCEMENT

NIBRS Offense Description	:	Criminal Activity Gang Info	:
Crime Scene Type	:	Weapons Used	:
Forced Entry	:	Bias Motivation	:
Attempt Only	:	Bias Target	:
Number Of Premises Entered	:	Bias Based On	:
Offender Suspected Of Using	:		

CASE NUMBER: 22-045710

EXHIBIT tabbies 21-4

SAINT PAUL POLICE

CASE NUMBER: 22-045710

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

CAD Information

CAD Info 1

Info

Location	: 857 Grand Avenue	Sector	: 1	Time Received	: 23:43
Locale	: Billys On Grand [857]	Grid	: 148	Time Sent	: 23:43
		Disposition	: Advise/Assist	Time Arrived	: 23:43
		Priority	: 2A	Time Cleared	: 01:48
Call Date	:	Source	: Officer	Reopen Time	:
Occur Date	: 03/18/2022	Fire/Amb	:	Citation #	:
Caller Information	:	EDP	:		
Address	:	Alarm	:		
Phone	:	ECC Console	: 01		

Employees

Officer	Squad	Type	Beat	Received	Sent	Arrived	Cleared
MUELLER, THOMAS	125T	2	WS6	23:43	23:43	23:43	23:49
Lenander, Travis	125T	2	WS6	23:43	23:43	23:43	23:49
SKEATE, BRIAN	119	1	WS6	23:43	23:43	23:45	23:51
LEISTIKOW, MELISSA	112T	2	WS6	23:43	23:43		23:44
Ijomah, Kristina	112T	2	WS6	23:43	23:43		23:44
XIONG, KONG	172	2	WS6	23:43	23:43		23:45
LEE, KOU	172	2	WS6	23:43	23:43		23:45
XIONG, XAI	163T	2	WS6	23:43	23:43	23:48	23:49
Thao, John	163T	2	WS6	23:43	23:43	23:48	23:49
MAY, MARK	115	2	WS6	23:43	23:45	23:45	23:50
EZEKISOE, EHDOH	110	2	WS6	23:43	23:43	23:45	23:48
MORGAN-RODRIGUEZ, TANISHA	110	2	WS6	23:43	23:43	23:45	23:48
CHRISTIANSEN, DEVIN	111	2	WS6	23:44	23:44		23:49

CASE NUMBER: 22-045710

EXHIBIT tabbies 21-5

SAINT PAUL POLICE

CASE NUMBER: 22-045710

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Officer	Squad	Type	Beat	Received	Sent	Arrived	Cleared
SCHUTZ, JOELLE	111	2	WS6	23:44	23:44		23:49
SHEAD, LAMICHAEL	100	2	WS6	23:44	23:50	23:50	23:55
PETERSON, MICHAEL	179	2	WS6	23:44			23:45
WALLACE, DANIEL	173	2	WS6	23:45	23:45	23:50	23:50
RICHARDSON, ROBERT	165	2	WS6	23:45	23:45	23:50	23:50
ZOCHER, BRIANA	165	2	WS6	23:45	23:45	23:50	23:50

CAD Comments

Master Incident Number: 20220318-0136820 CAD Address: 857 Grand Ave, Lat/Lon: 44940077 / 93136162 03/18/2022 23:43:27Automatic by System [1] [Address: 857 GRAND AVE [Billys On Grand [857]]] [Medium] [Mandatory Report Address] Billy's on Grand is a Mandatory Report location per Commander Corcoran. 03/18/2022 23:43:28TD [2] Automatic Case Number(s) issued for Incident #[20220318-0136820], Jurisdiction: SPPD. Case Number(s): SP220318045710. requested by 125T. 03/18/2022 23:43:41TD [3] Automatic Case Number(s) issued for Incident # [20220318-0136820], Jurisdiction: RCSO. Case Number(s): RC220318011518. requested by 2756. 03/18/2022 23:44:34TD [4] 125T COUNTY HAS ONE IN CUSTODY ...ST PAUL NOT FIGHTING W/ ANYONE 03/18/2022 23:45:23TD [5] 2756 cancel 10-01 03/18/2022 23:45:36179 [6] no bwc 03/18/2022 23:54:03TD [7] Secondary Location for 2756: L.E.C., 425 GROVE ST,St Paul, MN 55101. 03/18/2022 23:54:04TD [8] 2756 W/ MALE 03/18/2022 23:55:12TD [9] booking advised 03/18/2022 23:55:54PNV [10] [Query] 2756, DL Query (QDP/QDR/QMO/DQ): MN,W823296737313 03/18/2022 23:55:55PNV [11] [Query] 2756, Inform BOLO: MN,W823296737313 03/18/2022 23:55:55PNV [12] [Query] 2756, Inform SI Person Query: MN,W823296737313 03/18/2022 23:56:14PNV [13] [Query] 2756, DL Query (QDP/QDR/QMO/DQ): MN,JONES, LUTHER JOHNCOLBERT,19981127 03/18/2022 23:56:14PNV [14] [Query] 2756, Inform BOLO: MN,JONES, LUTHER JOHNCOLBERT 03/18/2022 23:56:14PNV [15] [Query] 2756, Inform SI Person Query: MN,JONES, LUTHER JOHNCOLBERT,19981127 03/18/2022 23:56:57PNV [16] TXT NAM/JONES, LUTHER JOHN COLBERT III.*RECORD DISSEMINATION RESTRICTED* SNM/2835 RICE ST APT 814. CTY/ROSEVILLE. STA/MN. ZIP/55113-2243. SEX/M. DOB/19981127. HGT/602. WGT/170. EYE/BRO. DISABILITY CERTIFICATES:N OLN/W823296737313. OLT/NORLID. CLS/ID. CSC/INELIGIBLE. EXP/112725 STATUS:REVOKED DONOR:Y DESIGNATED CAREGIVER:N ISU/112421.DNR TRAINING=FIREARM:N,SNOWMOBILE:N. MENTAL HEALTH:N. AUTISM:N INV

CASE NUMBER: 22-045710

EXHIBIT tabbies 21-6

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Incident Overview

Case Status	:	**Active**	Occ Date From	:	**05/06/2022, 12:48**
Case Number	:	**22-077852**	Occ Date To	:	**05/06/2022, 12:54**
Reported Date	:	**05/06/2022, 12:48:08**	Bias Motivation	:	
Location	:	**375 Jackson Street, St Paul, MN 55101**	Arrest	:	
			Resistance Encountered	:	**No**
Offenses	:	**Investigate-Code Enforcement**			

Incident Summary

Created by: **05/06/2022, 16:57**

DSI Investigation into potential licensing violations that occurred at Billy's on Grand, 857 Grand Ave during the time frame of (03/04/2022-03/05/2022 & 03/12/2022-03/13/2022 & 03/18/2022-3/19/2022). The referenced police incidents, involved disorderly, assaultive behavior and weapons offenses (CN 22-036-746, 22-042-088, 22-045-710). The business currently has licensing conditions that they are required to follow. During the course of investigation, alleged license violations were discovered that included, the failure to provide sufficient video to both St. Paul Police and the Department of Safety & Inspection. Alleged violations also included evidence of alcohol leaving the bar service area. This case will be submitted to the St. Paul City Attorney's Office-Civil Division for review and possible Adverse Action against the business license.

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-1

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Staff Involved

Officer	Type	BWC	ICC	Resistance Encounter	Force Used	Vehicle Pursuit
Graupman, Charles	Submitter, Primary	No		No	No	No

Narratives

Narrative 1 Created by: **GRAUPMAN, CHARLES** **05/06/2022, 16:57**

Synopsis :

DSI Investigation into potential licensing violations that occurred at Billy's on Grand, 857 Grand Ave during the time frame of (03/04/2022-03/05/2022 & 03/12/2022-03/13/2022 & 03/18/2022-3/19/2022). The referenced police incidents, involved disorderly, assaultive behavior and weapons offenses (CN 22-036-746, 22-042-088, 22-045-710). The business currently has licensing conditions that they are required to follow. During the course of investigation, alleged license violations were discovered that included, the failure to provide sufficient video to both St. Paul Police and the Department of Safety & Inspection. Alleged violations also included evidence of alcohol leaving the bar service area. This case will be submitted to the St. Paul City Attorney's Office-Civil Division for review and possible Adverse Action against the business license.

Narrative :

I, Sgt. C. Graupman am currently assigned to the Department of Safety & Inspection, located at 375 Jackson St. As part of my regular duties, I assist DSI Licensing Inspectors with monitoring, reviewing and recording activities at businesses that pertain to their current licensing conditions. This is done to ensure that businesses are operating within the licensing conditions they are mandated to follow by the City of St. Paul and that public safety is regarded while doing so.

On 03/07/22, I was notified by St. Paul Police Western District Command of two incidents that had occurred over the weekend and were related to Billy's on Grand, 857 Grand Ave. St. Paul, MN. 55105.

The first incident was an Aggravated Assault that involved a firearm, (CN 22-036-746), that had occurred on 03/05/2022 @ 0144 hrs at Billy's on Grand. Further details regarding the incident indicated that a male victim had sustained an injury as a result of a gunshot wound. Responding officers arrived on scene and discovered the glass to the Western entrance door of the Victoria Crossing Mall, had been shattered and located the victim, who had crawled into the hallway that leads to the entrance of Billy's on Grand. Through investigation, it was determined the victim had been shot while standing on the sidewalk near the Victoria crossing mall entrance on Victoria St. The victim was later transported to Regions hospital and the scene was held for the canvassing of evidence, witnesses and suspects. Officers later spoke with the victim at the hospital who stated

EXHIBIT tabbies 22-3

CASE NUMBER: 22-077852

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

prior to being shot, he had attempted to gain entry into Billy's on Grand but was denied entry and was later shot.

The second incident was a single car accident, (CN 22-036-672), that had occurred on 03/04/2022 @ 2256 hrs. at the intersection of Summit / Victoria, involving a driver who was determined to be intoxicated and was subsequently placed under arrest for DWI. The driver told officers that they had consumed alcohol at Billy's on Grand prior to the crash.

During a review of police call records, I noted that in the past one year period between (05/06/21 & 05/06/22), this property has generated (128) calls for police service. It should be noted that (31) of those calls were were deemed as "Quality of Life" type calls, which have a direct and negative impact on the surrounding neighboring residential community. I was also advised that the uptick in calls and call types have generated both community concern and have consumed a vast amount of police resources.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received & reviewed. Due to the circumstances involved and suspected licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

On 03/08/22, DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video from the business, which is a required condition of their business license. The requested video was noted in the letter and coincided with the above SPPD CN's referenced. The time period of the request was for the time period starting on: (Friday, March 4, 2022 from 9:00 p.m. until 11:00 p.m.) and again on (Saturday March 5, 2022 from 12:30 a.m. until 2:00 a.m.).

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Friday, March 11, 2022. (4) copies of the letter were drafted.

The first copy was both mailed via U.S. postal service and emailed to the point of contact listed on the License: Wesley Spearman, 204 N. McCarrons Apt #8, St. Paul, MN. 55113. A second and third copy was mailed via U.S. postal service to points of contact listed on the License: Randall Johnson, 7504 269th Ave. NE. Stacy, MN. 55079. and Darcy Golish 2238 Heath Ave. N. Oakdale, MN. 55128. And finally, a fourth copy was hand delivered in person to the business on March 8, 2022.

A copy of the requested video was received by DSI prior to the deadline and I began reviewing the requested video and made the following observations:

03/04/22 - Alleged over service of alcohol (unfounded): The driver involved in the single car accident and subsequent DWI arrest, was in fact in the bar prior to the crash but did not appear to be overserved by bar staff and left the business approximately, an hour prior to the crash. No license violations or improper / illegal conduct was observed.

03/05/22 - Aggravated assaultive behavior related to and/or occurring on the business property (unfounded): It could not be determined that the suspects or victim involved in the shooting were patrons of the bar prior to the shooting

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-3

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

03/05/22 - Alcohol leaving bar service areas: Seen on channels (01,03,05,08 & 09). At 0140 hrs. a customer (B/M, wearing a blue baseball style cap, white hooded sweatshirt and blue jeans), is seen placing a drink order at the rear of the main front bar with the bartender. The bartender then returns with a suspected canned alcoholic beverage and money is exchanged between the customer and bartender. At 0142 hrs., the customer begins to consume the beverage and remains in the bar area for several minutes. At 0146 hrs., the male customer begins to walk towards the front of the bar, as the bar is beginning to close. The customer is tracked via the above mentioned cameras exiting the business via the front patio at 0147 hrs., and is not stopped by identifiable security, who is present. The male customer eventually leaves the patio area and enters Grand Ave still holding the purchased beverage in hand.

03/05/22 - Additional service area violations seen on channel (01):

-At 0148 hrs., a female customer (B/F, wearing a brown shirt, blue jeans), is seen exiting the front patio holding a drink cup.

-At 0151 hrs., a female customer (B/F, wearing a blue jean jacket, yellow top and pants) is seen exiting the front patio holding a drink cup.

-At 0153 hrs., a male customer (B/M, wearing all black) is seen exiting the front patio holding a drink cup.

-At 0153 hrs., a female customer (B/F, wearing all black and white shoes), is seen exiting the front patio holding a drink cup.

On 03/14/2022, & 03/21/2022, I was again notified by St. Paul Western District Command of two additional incidents that had occurred that were related to Billy's on Grand, 857 Grand Ave. St. Paul, MN. 55105.

The first incident was an Assault (CN 22-042-088). I was advised that on 03/13/2022 @ 1720 hrs., Officers had responded to Billy's on Grand to take a report of an Assault which had actually occurred on 03/12/22, around 2300 hrs. The responding officers had indicated in their police report that the staff at Billy's were unable to provide access to all the cameras on the property and did not have the means to make a copy of the video upon the officer's request.

The second incident was a Fight (CN 22-045-710) on 03/18/2022 at 2343 hrs., where Ramsey County Deputies, who were reportedly working in an off duty capacity at the premises requested emergency assistance during this incident. The report indicated that (19) SPPD squad cars responded to or towards the scene due to the request of emergency assistance. (10) SPPD officers arrived and met with (3) RCSO deputies who had a male in custody, who was later boked into jail under RCSO (CN 22-136-820). No SPPD personnel were involved in the arrest or applied any force. I was advised that it was believed one of the deputies was physically assaulted during the altercation.

I then notified DSI Licensing Manager Eric Hudak of the above information I had received & reviewed. Due to the circumstances involved and alleged licensing violations, a determination needed to be made to ensure all licensing conditions and laws, were adhered to by the business.

EXHIBIT tabbies 22-4

CASE NUMBER: 22-077852

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

On 03/28/22, DSI Licensing Manager Eric Hudak assisted me in drafting a formal request of surveillance video from the business, which is a required condition of their business license. The requested video was noted in the letter and coincided with the above SPPD CN's referenced. The time period of the request was for the time period starting on: (Saturday, March 12, 2022 from 11:00 p.m. until 12:30 a.m. on Sunday, March 13, 2022) & (Friday, March 18, 2022 from 11:30 p.m. until 1:00 a.m. on Saturday, March 19, 2022).

The drafted letter required that a copy of all interior and exterior video camera surveillance footage from the business be delivered to the Department of Safety & Inspection located at 375 Jackson St. Suite 200 in St. Paul, MN. no later than 4:00pm on Thursday, March 31, 2022. (4) copies of the letter were drafted.

The first copy was both mailed via U.S. postal service and emailed to the point of contact listed on the License: Wesley Spearman, 204 N. McCarrons Apt #8, St. Paul, MN. 55113. A second and third copy were mailed via U.S. postal service to points of contact listed on the License: Randall Johnson, 7504 269th Ave. NE. Stacy, MN. 55079. and Darcy Golish 2238 Heath Ave. N. Oakdale, MN. 55128. And finally, a fourth copy was hand delivered in person to the business on March 28, 2022.

A copy of the requested video was received by DSI prior to the deadline and I began reviewing the requested video and made the following observations:

I immediately noted that Channels 24 & 29 -1,2,3,4 were offline and did not contain any file footage. These cameras cover ingress and egress to include the Victoria crossing mall hallway entrances on the N/W and Western side into and out of Billy's on Grand. It should be noted that the above mentioned incidents took place in the locations where these cameras were positioned. Without this footage, I could not adequately make a determination.

I then notified DSI Licensing Manager Hudak of my findings. Manager Hudak then assisted me with drafting a second video request letter, citing the initial video request was not satisfied. The second letter was then again mailed and delivered to the previously listed points of contact on April 20, 2022, with a deadline of 4:00 p.m. on Friday, April 22, 2022.

The requested video was received again by DSI prior to the deadline and reviewed but found to still be deficient. I advised Manager Hudak who then contacted Manager Wesley Spearman who indicated those cameras were offline at the time of incidents and he was trying to get them serviced for repair.

Below are the listed license conditions for DBA - Billy's on Grand:

1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served or consume alcohol.

2. Per Fire Inspection Certificate of Occupancy requirements, total occupancy limit is 285 when billiard tables are in the establishment, and 297 when all billiard tables are removed from the premises.

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-5

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

3. Licensee will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. Licensee will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

4. License holder shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel shall be assigned to each entrance/exit of the licensed liquor service area(s) as well as sufficient roving security to appropriately address minor conflicts to prevent escalation. Security personnel shall start at 10:00 p.m. during any day of operation and shall remain until the establishment has closed and all patrons have left the licensed property and parking lot.

5. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons must be off the property/parking lot within 15 minutes after closing time.

6. License Holder shall ensure no alcoholic beverages leave the licensed liquor service area(s).

7. Whenever the establishment is open past 11:00 p.m. no patrons shall be admitted into the establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.

Due to multiple licensing violations discovered during the course of this investigation, a copy of this report, the referenced reports, police call data (5/06/21-05/06/22), (5) copies of the original video on flash drives and still images captured with said conduct were forwarded to DSI Licensing Manager Eric Hudak and DSI Assistant City Attorney Therese Skarda for review and possible Adverse Action.

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-6

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Offenses

Offense 1 - INVESTIGATE-CODE ENFORCEMENT

NIBRS Offense Description	:	Criminal Activity Gang Info	:
Crime Scene Type	:	Weapons Used	:
Forced Entry	:	Bias Motivation	:
Attempt Only	:	Bias Target	:
Number Of Premises Entered	:	Bias Based On	:
Offender Suspected Of Using	:		

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-7

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Participants / Persons

Person 1

Wesley Spearman **DOB: 04/26/1977**
204 Mccarrons, St. Paul, MN 55113
Phone:

Info

Participant Type	:	**Other**
Age	:	**45**
Gender	:	**Male**
Race	:	**Other**
Hispanic	:	
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	**Billy'S On Grand**
Occupation	:	**Manager**
Requested Non Public	:	
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	**Billy's on Grand**
Type	:	
Occupation	:	**Manager**
Address	:	**857 Grand Avenue, St. Paul, MN**

Injuries

Type of Injury	:	

EXHIBIT tabbies 22-8

CASE NUMBER: 22-077852

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Offenses/Charges

Charges

Description	Statute	Level Of Offense	UCR Code

Person 2

Billy'S On Grand (Business)
857 Grand Avenue, St. Paul, MN 55105
Phone: 651-292-9140

Info

Participant Type	:	**Defendant**
Age	:	
Gender	:	
Race	:	
Hispanic	:	
Business Name	:	**Billy'S On Grand**

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	**651-292-9140**
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	
Occupation	:	
Requested Non Public	:	
License / ID Number	:	
Limited English / Language	:	

Employment

Employer	:	
Type	:	

Injuries

Type of Injury	:	

CASE NUMBER: 22-077852

EXHIBIT
tabbies 22-9

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Occupation :
Address :

Offenses/Charges

Charges

Description	Statute	Level Of Offense	UCR Code

Person 3

Randall Johnson **DOB:**
7504 269 Avenue NE, Stacy, MN 55079
Phone: 651-226-2333

Info

Participant Type	:	**Owner**
Age	:	
Gender	:	**Male**
Race	:	**Other**
Hispanic	:	
Business Name	:	

Phones

Cell Phone	:	
Home Phone	:	
Work Phone	:	**651-226-2333**
Email Address	:	
Social Media	:	

Physical Description

Height	:	
Weight	:	
Eye Color	:	
Hair Color	:	
Build	:	

Attributes

School Name	:	
Employer Name	:	**Rjmp Group Inc.**
Occupation	:	**Ceo**
Requested Non Public	:	
License / ID Number	:	
Limited English / Language	:	

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-10

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Employment

Employer	:	RJMP Group Inc.
Type	:	
Occupation	:	Ceo
Address	:	7504 269 Avenue NE, Stacy, MN

Injuries

Type of Injury :

Offenses/Charges

Charges

Description	Statute	Level Of Offense	UCR Code

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-11

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Businesses

Business 1

Billy'S On Grand
857 Grand Avenue, St. Paul, MN 55105

Info			Phones		
Role Type	:	Defendant	Cell Phone	:	
Name	:	Billy'S On Grand	Contact Phone	:	651-292-9140
Type	:	Restaurant/Bar/Club	Home Phone	:	
Description	:		Work Phone	:	651-292-9140
			Email Address	:	
			Fax	:	

Offenses/Charges

Charges

Description	Statute	Level Of Offense	UCR Code

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-12

SAINT PAUL POLICE

CASE NUMBER: 22-077852

INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

CAD Information

CAD Info 1

Info

Location	: 375 Jackson Street	Sector	: 2	Time Received	: 12:48
		Grid	: 153	Time Sent	: 12:48
Locale	: St Paul Safety and Inspection	Disposition	: Records received	Time Arrived	: 12:48
				Time Cleared	: 12:48
		Priority	: 4	Reopen Time	:
Call Date	:	Source	: Phone	Citation #	:
Occur Date	: 05/06/2022	Fire/Amb	:		
Caller Information	:	EDP	:		
Address	:	Alarm	:		
Phone	:	ECC Console	: 27		

Employees

Officer	Squad	Type	Beat	Received	Sent	Arrived	Cleared
GRAUPMAN, CHARLES	854	1	CN2	12:48	12:48	12:48	12:48

CAD Comments

Master Incident Number: 20220506-0227376 CAD Address: 375 Jackson St, Lat/Lon: 44948431 / 93090113 05/06/2022 12:48:09SMW [1] Automatic Case Number(s) issued for Incident # [20220506-0227376], Jurisdiction: SPPD. Case Number(s): SP220506077852. requested by 854. 05/06/2022 12:48:08SMW [2] INVESTIGATIVE REPORT COD

CASE NUMBER: 22-077852

EXHIBIT tabbies 22-13

Billy's On Grand Ave, 857 Grand Ave. - Video Snips 03/05/2022

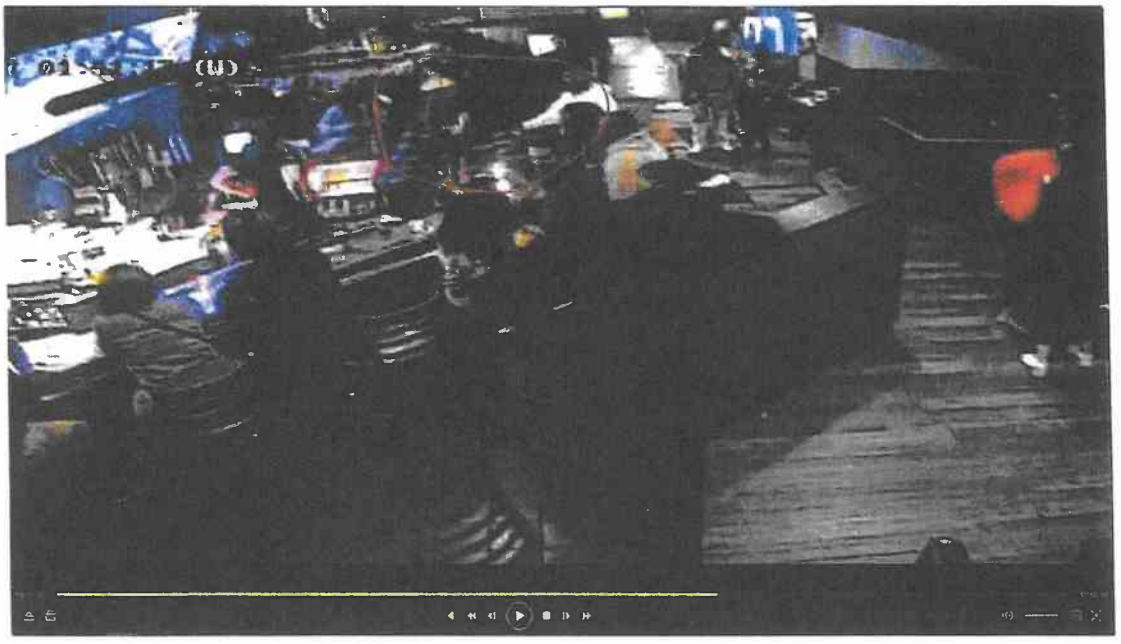


Ch 09 @ 0140 hrs. Male customer placing drink order from bartender.



Ch 08 @ 0141 hrs. Bartender returning with drink order and handing to male customer.

EXHIBIT
tabbies
23-1



Ch 08 @ 0141 hrs. Male customer making payment to bartender for drink order.



Ch 08 @ 0142 hrs. Male customer consuming purchased drink.

EXHIBIT
tabbies
23-2



Ch 08 @ 0146 hrs. Male customer with purchased drink beginning to head towards front of bar for closing.



Ch 03 @ 0147 hrs. Male customer with purchased drink heading towards front of bar / exit for closing.

EXHIBIT
tabbies
23-3



Ch 05 @ 0147 hrs. Male customer with purchased drink heading towards front of bar / exit for closing.



Ch 01 @ 0147 hrs. Male customer leaving bar with purchased drink.

EXHIBIT
tabbies
23-4



CH 01 @ 0147 hrs. Male customer with purchased drink leaving bar while security present.



CH 01 @ 0147 hrs. Male customer with purchased drink (left hand), leaving bar while security present.

EXHIBIT
tabbies
23-5



CH 01 @ 0148 hrs. Male customer with purchased drink, after leaving bar and on Grand Ave.

EXHIBIT
tabbies
23-16

ADDITIONAL SNIPS OF CUSTOMERS LEAVING W/DRINKS @ CLOSING



CH 01 @ 0148 hrs. female customer leaving bar closing via patio with drink.



CH 01 @ 0151 hrs. female customer leaving bar closing via patio with drink.

EXHIBIT
tabbies
23-7



CH 01 @ 0153 hrs. male customer leaving bar closing via patio with drink.



CH 01 @ 0153 hrs. female customer leaving bar closing via patio with drink.

EXHIBIT
tabbies
23-8

860 St Clair Ave
St Paul MN 55105

Summit Hill Association

651.222.1222
SummitHillAssociation.org

April 26th, 2022

To: Jeff Fischbach, DSI (LH-Licensing@ci.stpaul.mn.us)
Ross Haddow, DSI (ross.haddow@ci.stpaul.mn.us)
Erik Hudak, DSI (Eric.Hudak@ci.stpaul.mn.us)

CC: DWD Group LLC / Wesley Spearman (wesleemalik@gmail.com) (Applicant)
C.M. Rebecca Noecker (Rebecca.Noecker@ci.stpaul.mn.us)
Nhia Vang (nhia.vang@ci.stpaul.mn.us)

Re: Renotification for Liquor on Sale, Entertainment and Gambling Licenses for DWD Group LLC d/b/a Billy's on Grand (License #20210000875)

Background

Billy's on Grand is a long-established neighborhood bar at the intersection of Grand Avenue and Victoria Street. DWD Group, the present owners, began operating the bar under a management agreement from the licensee, RJMP Group Inc., in May 2021, and promptly applied for identical licensing in their own name.

That license application originally came before us in September last year. We supported all the licenses, including the 2:00 AM license, as they were identical to the previous licensing. However at the time we also 'strongly encouraged' the applicant to retain the existing 1am closing time that was in effect at the time.

After reviewing the adverse action packet regarding the incidents which took place in October/November 2021, we wrote to the City Council, withdrawing our support for a 1:00 AM closing time and suggesting a 12:30 AM close instead. The inspection process ultimately led to a fine and additional proposed license conditions from DSI, which in turn triggered a re-notification of the license application.

The Present Application

DWD Group LLC is applying for 6 licenses, which are identical to those they have had under their management agreement since May 2021. Five of those licenses are uncontroversial: *Liquor On Sale - 291 or more Seats*; *Liquor On Sale - Sunday*; *Liquor - Outdoor Service Area (Patio)*; *Entertainment (B)*; and *Gambling Location*.

The sixth license – *Liquor On Sale - 2AM Closing* – has been the focus of neighborhood concern.

EXHIBIT tabbies 28-1

860 St Clair Ave
St Paul MN 55105

Summit Hill
Association

651.222.1222
SummitHillAssociation.org

Public Hearing

SHA held a Public Hearing on 4/12/22, followed by a discussion and vote by the full board. There has been considerable interest from the neighborhood. We received **~35 written public comments** and approximately **50 neighbors attended** our Public Hearing.

The key issues discussed and relevant to our recommendations are:

1. **Crime and public nuisance**

   It was clear from the written comments and from those who spoke at our hearing that the vast majority of neighbors want Billy's to be a successful business for many years to come. They also want Billy's to be a good neighbor.

   Written and verbal testimony from neighbors focused on the various incidents of ongoing public nuisance or criminal conduct at or associated with Billy's since May 2021. Issues voiced by residents included:

   - **Violence in and around the establishment.** Neighbors highlighted the increased numbers of assaults, shootings, robberies and carjackings that have taken place in the vicinity of Billy's. The recent adverse action as well as other reported incidents were mentioned. Several neighbors were eyewitnesses to one or more of these incidents.
   - **Noise and public nuisance.** Noise and other disturbance was a major complaint. Although the bar is on Grand Avenue, it is within a residential neighborhood and directly adjacent to a number of residential buildings. Loud patrons leaving the venue after 2:00AM, drag racing and loud music were all reported. With the 2:00AM closing time, neighbors report noise until 2:30 AM - 3:00 AM.
   - **Public safety.** Many testified that they no longer feel safe being near that section of Grand Avenue in the evening or that their peaceful enjoyment of their property has been repeatedly interrupted by everything from excessive noise, to violent assaults and gunshots. Two building owners in the vicinity of Billy's reported that renters are not renewing their leases and that condo owners are putting their units up for sale because they no longer feel safe living in the neighborhood.
   - **Break-ins, loitering and vandalism.** Owners and renters reported that their homes and buildings were broken into and entered after midnight, and that property was stolen or vandalized.
   - **Siphoning of police resources.** Some residents were concerned that the police calls generated by Billy's were taking law enforcement resources away from other areas of the city.

EXHIBIT
tabbies 28-2
OAH-0559

860 St Clair Ave
St Paul MN 55105

Summit Hill Association

651.222.1222
SummitHillAssociation.org

2. **Whether these problems are specific to Billy's or reflective of city-wide increases in violent crime.**

   The applicant noted that there has been a general uptick in violent crime city-wide, and that events are, at least to some extent, beyond their control.

   While we do not doubt this is the case, this does not absolve the owners of their responsibilities toward their patrons or the general public. Businesses are obliged to respond to the realities of the time and place in which they operate, and do what is reasonably within their control to address issues of public nuisance and criminal activity as they arise.

   To their credit, the owners have added extra security personnel, including off-duty Ramsey County officers on weekends at considerable cost. Unfortunately, even this heightened level of security has been insufficient to address the ongoing problems listed above.

3. **Whether a midnight closing time would be an appropriate and effective measure.**

   Virtually all of the public testimony we received strongly advocated for an earlier closing time, noting that many of the problems seemed to be taking place in the early hours of the morning.

   We heard from two SPPD officers at our hearing. They stated that bars in Saint Paul that stay open past midnight can become a focal point for public nuisance and criminal activity. They named several other bars they had worked with where the owners had voluntarily agreed to close at midnight and experienced a marked reduction in police calls and other complaints as a result. We also independently researched closing times for other bars in the neighborhood and cross-compared with a list of licensed premises and their hours that DSI compiled and provided to us.

   The applicant's position was that a 2:00 AM closing time is inherent to their business model as a sports bar, and necessary to differentiate them from other establishments on Grand Avenue. We disagree. Several other venues have demonstrated that it is possible to operate a profitable bar at a prominent location on Grand Avenue (and elsewhere in the city) without the need to serve alcohol until 2:00 AM.

   Ultimately, the owners have made a series of business decisions that have invited and enabled the kinds of problems listed above.



860 St Clair Ave
St Paul MN 55105

Summit Hill Association

651.222.1222
SummitHillAssociation.org

4. **How to deal with spillover from smokers, and the impact of vacating the patio at 11:30 PM**

   The applicant raised the concern that vacating the outdoor patio after ending service at 11:00 PM forces patrons out onto the surrounding streets to smoke, which in turn makes it harder for security personnel to manage and exacerbates the issues described above. We share this concern. We would support a further condition that allows the patio space to be used after 11:30 PM solely by patrons who wish to smoke, so long as the area has sufficient security coverage and alcoholic beverages are not consumed outside. To be clear, we support the proposed 11:00 PM ending of service on the outdoor patio, and the 11:30 PM cessation of consumption of drinks on the patio. We request that smoking patrons be provided space on the premises where their safety can be assured and neighbors' noise concerns might be better addressed.

SHA Board Recommendations

Having weighed all the public testimony received and evaluated the application, the full Summit Hill Association / D16 board recommends the following:

- We **support** 5 of the 6 licenses:
  - *Liquor On Sale - 291 or more Seats*
  - *Liquor On Sale - Sunday*
  - *Liquor - Outdoor Service Area (Patio)*
  - *Entertainment (B)*; and
  - *Gambling Location*

- We **do not support** the following license:
  - *Liquor On Sale - 2AM Closing*

- We **support** an alternative license (if required) to allow for a midnight closing time.

- We **support** all of the listed license conditions (1-9).
  - Our support for the 5 licenses above plus a midnight closing time is premised upon all of the listed conditions being attached to the licenses.

- We **suggest** the adoption of one further condition:
  - To allow for limited use of the patio after 11:30 PM to accommodate smokers, with sufficient security provided. No alcoholic beverages would be allowed outside during this time.

Thank you for your consideration, and please let us know if you have any further questions.



860 St Clair Ave
St Paul MN 55105

Summit Hill
Association

651.222.1222
SummitHillAssociation.org

Kind regards,

Monica Haas	Denise Aldrich	Simon Taghioff
Executive Director	President	Chair, Zoning & Land Use Committee



Sec. 310.01. - Definitions.

For the purposes of this chapter, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for Class R, for routinely issued licenses, Class T for temporary licenses and Class N for licenses in which neighbors are required to be notified, under authority of the City of Saint Paul, the terms defined in this section shall have the meanings ascribed to them:

Adverse action means the revocation or suspension of a license, the imposition of conditions upon a license, the denial of an application for the grant, issuance or renewal of a license, the imposition of a fine, the assessment of the costs of a contested hearing, and any other disciplinary or unfavorable action taken with respect to a license, licensee or applicant for a license. "Adverse action" includes any of the foregoing directed at one (1) or more licenses held by a licensee at any location in the city. "Adverse action" also includes disapproval of licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of the license.

Bond means a bond meeting the requirements of section 310.07 and indemnifying the city against all claims, judgments or suits caused by, resulting from or in connection with any licensed business, activity, premises, thing, facility, occurrence or otherwise under these chapters.

Building official means the official in the department of safety and inspections charged with the responsibility of enforcement of the building code.

Chapters and *these chapters* shall mean this uniform license ordinance, any chapter of the Legislative Code pertaining to licenses as hereinafter mentioned, and subsequently enacted ordinances establishing or relating to the requirements for class R, class T and class N licenses under authority of the city.

Class R licenses means those licenses which can be approved and issued or denied by the director of the department of safety and inspections, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class R Licenses	Legislative Code Chapter
Animal Foods Manufacturing and Distributing	316
Amusement Rides	317
Mechanical Amusement Devices	318
Bed and Breakfast	378
Bituminous Contractors	320
Rooming and Boardinghouses; Dormitories	321
Christmas Tree Sales	323
Cigarettes/Tobacco	324
Commercial Vehicles	167
Building Contractors	326
Courtesy Bench	127
Dry Cleaning Establishments and Pickup Stations; Laundries	327
Alarm Devices	329
Food Protection Standards	331A

Fuel Dealers—Liquid Fuel	332
Fuel Dealers—Solid Fuel	333
Pest Control	334
House Sewer Contractors	338
Keeping of Animals	198
Lawn Fertilizer and Pesticide Application	377
Mercantile Broker	340
Oil—Bulk Storage	342
Peddlers	345
Solicitors	345
Pet Grooming Facility	382
Pet Shops	347
Solid Waste Hauler	357
Rental of Hospital Equipment	350
Rental of Kitchenware	351
Rental of Trailers	352
Roller Rinks	353
Sanitary Disposal Vehicle	354
Secondhand Dealers (Single Location, Multiple Dealers)	355
Sidewalk Cafe	106
Sidewalk Contractors	356
Solid Waste Transfer Station	357
Sign and Billboard Construction	66 and 33
Sound Trucks and Broadcasting Vehicles	359
Public Swimming Pools	360
Tanning Facility	380
Wreckers and Tow Trucks	361
Taxicab Driver	376
Taxicab Vehicle	376
Tree Trimming	362
Food Vending Machines	363
Veterinary Hospital	364
Window Cleaning	365
Block Parties	366
Wrecking of Buildings	368
Building Trades Business Licenses	369
Building Trades Certificates of Competency	370
Finishing Shop	371
Tire Recapping Plants	372
Massage Center	412
Therapeutic Massage Practitioner	414
Vehicle Immobilization	383
Short-term Rental Platform	379
Short-term Rental Host	379

Class T licenses means those licenses which must be approved or denied by the director, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class T Licenses	Legislative Code Chapter
Amusement Rides—Temporary	317
Close-Out Sales	325
Transient Merchants	345
Gambling—Temporary	402.06
Entertainment—Temporary	411
Extension of Service Area-Liquor	409
Soliciting Funds—Tag Days	391
Temporary On-Sale Malt (3.2)	410
Temporary Wine, Wine Licenses for Festivals and Liquor	409
Secondhand Dealer—Exhibition	355

Class N licenses means those licenses which can be approved or denied only by the council, subject to the procedures required by these chapters. The following licenses are so classified, and the numbers shown opposite them correspond to the chapters in the Legislative Code pertaining to each license:

Class N Licenses	Legislative Code Chapter
Automobile Repair Garage and Body Shop	423
Pool Hall, Bowling Center	322
New Motor Vehicle Dealer	401
Bingo	402
Bingo Halls	403
Cabaret	426
Private Clubs - Liquor	409
Dance or Rental Halls	405
Firearms Dealer	225
Gambling Hall	278
Game Rooms	406
Gas Station	424
Gambling Location	409
Hotel/Motel	407
Health/Sports Club	427
Infectious Waste Processing	429
Recycling Collection Center/Recycling Processing Center	408
Second Hand Dealer—Motor Vehicle Parts	401
Motor Vehicle Salvage Dealer	422
Intoxicating Liquor—On and Off Sale	409
Brewpub/Off-Sale	409
Off-Sale Brewery	409
Motorcycle Dealer	401

Pawn Shop	344
Nonintoxicating Liquor-On and Off Sale	410
Entertainment	411
Conversation/Rap Parlors	413
Steam Room/Bathouse	428
Theatres and Movie Theaters	415
Motion Picture Drive-In Theatres	416
Second Hand Dealer—Motor Vehicle	401
Parking Lots and Parking Garages	417
Scrap and Metal Processor	420
Liquor Extension of Service Hours	409
Liquor Outdoor Service Area (Patio)	409
Currency Exchange	381

Department means the department of safety and inspections.

Director means the director of the department of safety and inspections, unless otherwise defined in the specific chapter, section or subdivision referred to.

Fee means and includes both the license fee and application fee unless otherwise provided.

Inspector as used in these chapters means the director of the department of safety and inspections or his or her designee.

License means and includes all licenses and permits provided for or covered by these chapters. License also includes licenses issued by the state under statutory provisions which permit the governing body to disapprove the issuance of such licenses, for the purposes of making procedures in chapter 310 of the Legislative Code applicable to the approval or disapproval of such licenses.

Person means and includes any person, firm, corporation, partnership, company, organization, agency, club or any group or association thereof. It shall also include any executor, administrator, trustee, receiver or other representative appointed by law.

Zoning administrator means the official in the department of safety and inspections charged with responsibility for enforcement of the zoning code.

(Code 1956, § 510.01; Ord. No. 17085, § 1, 12-6-83; Ord. No. 17303, § 3, 10-29-85; Ord. No. 17569, § 1, 6-7-88; Ord. No. 17919, § 1, 3-31-92; C.F. No. 93-1645, § 8, 12-30-93; C.F. No. 94-46, § 6, 2-2-94; C.F. No. 94-500, § 2, 7-6-94; C.F. No. 94-898, § 1, 7-13-94; C.F. No. 95-473, § 1, 5-31-95; C.F. No. 99-500, § 1, 7-7-99; C.F. No. 01-400, § 1, 11-7-01; C.F. No. 02-1031, § 1, 11-27-02; C.F. No. 03-102, § 1, 3-12-03; C.F. No. 03-694, § 1, 9-3-03; C.F. No. 06-574, § 1, 7-26-06; C.F. No. 06-821, § 1, 9-27-06; C.F. No. 07-149, § 71, 3-28-07; Ord 12-50, § 1, 9-12-12; Ord 17-48, § 1, 10-25-17; Ord 16-68, § 1, 1-9-19)

Sec. 310.02. - Application.

(a) *Form.* All applicants for licenses or permits issued pursuant to these chapters shall make both original and renewal applications to the inspector on such forms as are provided by the division. Such applications shall not be received by the inspector until completely filled out, accompanied by all fees, insurance policies, bonds,

deposits, sureties, and indemnifications or certificates required by these chapters, together with the certification required in paragraph (b) below.

(b) *Taxes.* No person shall be granted a license or a renewal of a license required by the Saint Paul Legislative Code unless, prior to and in addition to any other requirements, rules or ordinances heretofore or hereafter required, the Ramsey County Department of Property Taxation certifies that said applicant has paid any and all taxes, real or personal, before said taxes become delinquent, on any property, real or personal, situated within the City of Saint Paul and used in connection with the business operated under said license.

Notwithstanding the previous paragraph, the council, the director or the inspector may issue or renew a license if it is found that:

(1) The applicant has made an agreement satisfactory to the Ramsey County attorney to pay delinquent taxes in periodic installments;

(2) The applicant has properly commenced a proceeding to contest the amount of tax due or the valuation of his property, and has made all partial payments required by law in connection with such proceeding; or

(3) The business property with respect to which taxes are delinquent is not owned by the applicant, but by a lessor, and it would be inequitable to require the lessee to pay such taxes.

If a license is issued or renewed because of the existence of an agreement as described in subsection (1) above, the license may be revoked if the licensee defaults upon such agreement.

(c) *Additional information.* The inspector shall prescribe the information required to be submitted by each applicant in their application, in addition to that required by specific sections in these chapters, as may be necessary to carry out and enforce any provision hereunder. The inspector shall require in every case the applicant to submit their name; business or corporate name; names of partners, officers, directors, shareholders or trustees involved in the business; age; address; description or blueprint of the premises, if any, and the owner thereof, and locations and addresses of other business locations in Minnesota.

(d) *No reapplication within one (1) year after denial or revocation.* Unless an applicant is claiming that they have evidence of rehabilitation as outlined in Minnesota Statute 364.03, subd. 3, no person may apply for any license within one (1) year of the denial or revocation of the same or similar license by the city council, if such denial or revocation was based solely or partially upon misconduct or unfitness of the applicant, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. A license is "similar," within the meaning of this paragraph, if the basis upon which the revocation or denial of the original license was made would have been a relevant basis on which to deny or revoke a license of the type subsequently applied for.

(e) *Reapplication after denial; "interest" of applicant in revoked license.* An application by a person having an interest in, or whose shareholders or officers have an interest in, any premises or enterprise whose license has been revoked or to which a license has been denied shall be treated as an application by the person whose license was denied or revoked. The term "interest," as used in this paragraph, includes any pecuniary interest in the ownership, operation, management or profits of an establishment, but does not include: bona fide loans; bona fide rental agreements; bona fide open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures or supplies to such establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license.

(f) *Prohibition on reapplication; exception.* The prohibition on reapplication herein provided shall not apply in cases where it is otherwise expressly provided by statute or ordinance.

(g) *Waiting period after filing of petition.* Any petition required to be filed with the application for any license shall not be considered as officially filed and irrevocable until seven (7) working days after a petition is received in the inspector's office. During the seven-day waiting period, any signator of any petition may withdraw their name therefrom by written request, and such request shall be appended to the subject petition and made a part thereof. After the seven-day waiting period, signatures may not be withdrawn unless it is shown they were obtained by fraud or duress. Signatures withdrawn or obtained by fraud or duress shall not be counted in determining the sufficiency of the petition. This subdivision shall apply in any case where the applicant for a license must present a statement in writing signed by a specified number or percentage of persons that they have given their consent to the grant of the license.

(Code 1956, § 510.02; C.F. No. 95-473, § 2, 5-31-95; Ord. 21-26, § 2, 7-28-21)

Sec. 310.03. - Investigation and review of new applications, etc.

The inspector shall determine the sufficiency and accuracy of each new application and obtain such criminal history information as may be used under Minnesota Statutes, chapter 364, and is otherwise available by law. The inspector shall make reasonable and appropriate investigation of the premises or personal property, vehicles or facilities, as may be involved in or related to the licensed activity, and shall request, where appropriate, the assistance of other city divisions or departments in making additional investigations for the purpose of determining whether the applicant is or will be in compliance with all applicable ordinances and statutes. The approval of such other divisions or departments is not required for issuance of a license unless otherwise required by specific sections in these chapters. All new applications shall be reviewed by the zoning administrator or his designee for compliance with all requirements of the Saint Paul Zoning Code, and no new license shall be granted without full compliance with said requirements. All new applications involving a premises, location, building or structure shall be referred to the department of safety and inspections for investigation and recommendation.

(Code 1956, § 510.03; Ord. No. 17361, § 1, 6-5-86; C.F. No. 07-149, § 72, 3-28-07)

Sec. 310.04. - Levels of approval; recommendations.

(a) *Class R licenses.* Where an application for the grant, issuance or renewal of a Class R license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(b) *Class T licenses.* Where an application for the grant, issuance or renewal of a Class T license meets all the requirements of law, and there exists no ground for denial, revocation or suspension of, or the imposition of conditions upon, such license, the director shall grant, issue or renew said license in accordance with the application.

(c) *Class R and Class T licenses, if denied by director.* In the event the director, in the case of both Class R and Class T licenses, determines that the application for grant, issuance or renewal of the license does not meet all the requirements of law or that there exist grounds for denial, revocation, suspension or other adverse action against the license or the licensee, the director shall recommend denial of the application and follow the procedures for notice and hearing as set forth in section 310.05.

(d) *Class N licenses.*

(1) *Grant, issuance or transfer.* Upon receipt of a fully completed application and required fees for a Class N license, the director shall conduct such investigation as is required to determine whether the application meets all the requirements of law or whether there exist grounds for denial or imposition of conditions on the license. The director shall, in writing, notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, of the existence of the application for all Class N licenses. In any case where the director recommends denial of the grant, issuance or renewal of a Class N license, the director on his or her own initiative, or at the direction of the council, shall follow the procedures for notice and hearing as set forth in section 310.05. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within thirty (30) days of receipt of notice of the existence of the application (or within forty-five (45) days if the application involves a liquor license) of objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.05. Where the application for the grant, issuance or renewal of a Class N license meets all the requirements of law, and where there exists no ground for adverse action, the director shall issue such license in accordance with law.

(2) *Renewal.* The director shall in writing notify the council, and the affected neighborhood organization(s) established for citizen participation purposes, at least sixty (60) days before the expiration date of all Class N licenses. A public hearing on the renewal of any such license shall not be held except on the request of a councilmember, which request shall be incorporated in the form of a council resolution. Upon the passage of such resolution, the director shall give written notice of such hearing to the affected neighborhood organizations. Such public hearing does not replace or amend any of the procedures set forth in section 310.05 of the Legislative Code. If no request for a public hearing is made before the expiration of any such license, and where there exists no ground for adverse action, the director shall issue the license in accordance with law.

(e) *Appeal; Class R or Class T licenses.* An appeal to the city council may be taken by any person aggrieved by the grant, issuance or renewal of a Class R or Class T license; provided, however, that the appeal shall have been filed with the city clerk within thirty (30) days after the action by the director. The only grounds for appeal shall be that there has been an error of law in the grant, issuance or renewal of the license. The appeal shall be in writing and shall set forth in particular the alleged errors of law. The council shall conduct a hearing on the appeal within thirty (30) days of the date of filing and shall notify the licensee and the appellant at least ten (10) days prior to the hearing date. The procedures set forth in section 310.05, insofar as is practicable, shall apply to this hearing. Following the hearing, the council may affirm or remand the matter to the inspector or director, or may reverse or place conditions upon the license based on the council's determination that the decision was based on an error of law. The filing of an appeal shall not stay the issuance of the license.

(f) *No waiver by renewal.* The renewal of any license, whether Class R, T or N, shall not be deemed to be a waiver of any past violations or of any grounds for imposition of adverse action against such license.

(Code 1956, § 510.04; Ord. No. 17455, § 1, 5-21-87; Ord. No. 17551, § 1, 4-19-88; C.F. No. 94-500, § 1, 7-6-94; C.F. No. 95-473, § 3, 5-31-95; C.F. No. 95-1517, 1-31-96; C.F. No. 97-1446, § 1, 12-30-97; C.F. No. 99-500, § 2, 7-7-99)

Sec. 310.05. - Hearing procedures.

(a) *Adverse action; notice and hearing requirements.* In any case where the council may or intends to consider any adverse action, including the revocation or suspension of a license, the imposition of conditions upon a license, or the denial of an application for the grant, issuance or renewal of a license, or the disapproval of a license issued by the State of Minnesota, the applicant or licensee shall be given notice and an opportunity to be heard as provided herein. The council may consider such adverse actions when recommended by the inspector, by the director, by the director of any executive department established pursuant to Chapter 9 of the Charter, by the city attorney or on its own initiative.

(b) *Notice.* In each such case where adverse action is or will be considered by the council, the applicant or licensee shall have been notified in writing that adverse action may be taken against the license or application, and that he or she is entitled to a hearing before action is taken by the council. The notice shall be served or mailed a reasonable time before the hearing date, and shall state the place, date and time of the hearing. The notice shall state the issues involved or grounds upon which the adverse action may be sought or based. The council may request that such written notice be prepared and served or mailed by the inspector or by the city attorney.

(c) *Hearing.* Where there is no dispute as to the facts underlying the violation or as to the facts establishing mitigating or aggravating circumstances, the hearing shall be held before the council. Otherwise the hearing shall be conducted before a hearing examiner appointed by the council or retained by contract with the city for that purpose. The applicant or the licensee shall be provided an opportunity to present evidence and argument as well as meet adverse testimony or evidence by reasonable cross-examination and rebuttal evidence. The hearing examiner may in its discretion permit other interested persons the opportunity to present testimony or evidence or otherwise participate in such hearing.

(c-1) *Procedure; hearing examiner.* The hearing examiner shall hear all evidence as may be presented on behalf of the city and the applicant or licensee, and shall present to the council written findings of fact and conclusions of law, together with a recommendation for adverse action.

The council shall consider the evidence contained in the record, the hearing examiner's recommended findings of fact and conclusions, and shall not consider any factual testimony not previously submitted to and considered by the hearing examiner. After receipt of the hearing examiner's findings, conclusions, and recommendations, the council shall provide the applicant or licensee an opportunity to present oral or written arguments alleging error on the part of the examiner in the application of the law or interpretation of the facts, and to present argument related to the recommended adverse action. Upon conclusion of that hearing, and after considering the record, the examiner's findings and recommendations, together with such additional arguments presented at the hearing, the council shall determine what, if any, adverse action shall be taken, which action shall be by resolution. The council may accept, reject or modify the findings, conclusions and recommendations of the hearing examiner.

(c-2) *Ex-parte contacts.* If a license matter has been scheduled for an adverse hearing, council members shall not discuss the license matter with each other or with any of the parties or interested persons involved in the matter unless such discussion occurs on the record during the hearings of the matter or during the council's final deliberations of the matter. No interested person shall, with knowledge that a license matter has been scheduled for adverse hearing, convey or attempt to convey, orally or in writing, any information, argument or opinion about the matter, or any issue in the matter, to a council member or his or her staff until the council has taken final action on the matter; provided, however, that nothing herein shall prevent an inquiry or communications

regarding status, scheduling or procedures concerning a license matter. An interested person, for the purpose of this paragraph, shall mean and include a person who is an officer or employee of the licensee which is the subject of the scheduled adverse hearing, or a person who has a financial interest in such licensee.

(d) *Licensee or applicant may be represented.* The licensee or applicant may represent himself or choose to be represented by another.

(e) *Record; evidence.* The hearing examiner shall receive and keep a record of such proceedings, including testimony and exhibits, and shall receive and give weight to evidence, including hearsay evidence, which possesses probative value commonly accepted by reasonable and prudent persons in the conduct of their affairs.

(f) *Council action, resolution to contain findings.* Where the council takes adverse action with respect to a license, licensee or applicant for a license, the resolution by which such action is taken shall contain its findings and determination, including the imposition of conditions, if any. The council may adopt all or part of the findings, conclusions and recommendations of the hearing examiner, and incorporate the same in its resolution taking the adverse action.

(g) *Additional procedures where required.* Where the provisions of any statute or ordinance require additional notice or hearing procedures, such provisions shall be complied with and shall supersede inconsistent provisions of these chapters. This shall include, without limitation by reason of this specific reference, Minnesota Statutes, Chapter 364 and Minnesota Statutes, Section 340A.415.

(h) *Discretion to hear notwithstanding withdrawal or surrender of application or license.* The council may, at its discretion, conduct a hearing or direct that a hearing be held regarding revocation or denial of a license, notwithstanding that the applicant or licensee has attempted or purported to withdraw or surrender said license or application, if the attempted withdrawal or surrender took place after the applicant or licensee had been notified of the hearing and potential adverse action.

(i) *Continuances.* Where a hearing for the purpose of considering revocation or suspension of a license or other disciplinary action involving a license has been scheduled before the council, a continuation of the hearing may be granted by the council president or by the council at the request of the licensee, license applicant, an interested person or an attorney representing the foregoing, upon a showing of good cause by the party making the request.

(j) If the council imposes an adverse action as defined in section 310.01 above, a generic notice of such action shall be prepared by the license inspector and posted by the licensee so as to be visible to the public during the effective period of the adverse action. The licensee shall be responsible for taking reasonable steps to make sure the notice remains posted on the front door of the licensed premises, and failure to take such reasonable precautions may be grounds for further adverse action.

(k) *Imposition of costs.* The council may impose upon any licensee or license applicant some or all of the costs of a contested hearing before an independent hearing examiner. The costs of a contested hearing include, but are not limited to, the cost of the administrative law judge or independent hearing examiner, stenographic and recording costs, copying costs, city staff and attorney time for which adequate records have been kept, rental of rooms and equipment necessary for the hearing, and the cost of expert witnesses. The council may impose all or part of such costs in any given case if (i) the position, claim or defense of the licensee or applicant was frivolous, arbitrary or capricious, made in bad faith, or made for the purpose of delay or harassment; (ii) the nature of the violation was serious, or involved violence or the threat of violence by the licensee or employees thereof, or involved the sale of drugs by the licensee or employees thereof, and/or the circumstances under which the

violation occurred were aggravated and serious; (iii) the violation created a serious danger to the public health, safety or welfare; (iv) the violation involved unreasonable risk of harm to vulnerable persons, or to persons for whose safety the licensee or applicant is or was responsible; (v) the applicant or licensee was sufficiently in control of the situation and therefore could have reasonably avoided the violation, such as but not limited to, the nonpayment of a required fee or the failure to renew required insurance policies; (vi) the violation is covered by the matrix in section 409.26 of the Legislative Code; or (vii) the violation involved the sale of cigarettes to a minor.

(l) *Imposition of fines.* The council may impose a fine upon any licensee or license applicant as an adverse license action. A fine may be in such amount as the council deems reasonable and appropriate, having in mind the regulatory and enforcement purposes embodied in the particular licensing ordinance. A fine may be in addition to or in lieu of other adverse action in the sole discretion of the council. To the extent any other provision of the Legislative Code provides for the imposition of a fine, both provisions shall be read together to the extent possible; provided, however, that in the case of any conflict or inconsistency, the other provision shall be controlling.

(m) *Presumptive penalties for certain violations.* The purpose of this section is to establish a standard by which the city council determines the amount of fines, the length of license suspensions and the propriety of revocations, and shall apply to all license types, except that in the case of a violation involving a liquor license § 409.26 shall apply where a specific violation is listed. In the case of an adverse action filed for a violation of chapter 331A, the licensee shall be given a fine for each individual violation of chapter 331A. The total fine amount for violations of chapter 331A may exceed the maximum fine outlined below due to multiple violations in one (1) appearance. All penalty recommendations for chapter 331A violations shall be based on the food penalty guideline referred to in chapter 331A. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

Type of Violation	Appearance			
	1st	2nd	3rd	4th
(1) Violations of conditions placed on the license	$500.00 fine	$1,000.00 fine	$2,000.00 fine and 10-day suspension	Revocation
(2) Violation of provisions of the legislative code relating to the licensed activity	$500.00 fine	$1,000.00 fine	$2,000.00 fine and 10-day suspension	Revocation

(3) Violation of provisions of the legislative code relating to the licensed activity, other than violations of the food code	$500.00 fine	$1,000.00 fine	$2,000.00 fine and 10-day suspension	Revocation
(4) Failure to permit entrance or inspection by DSI inspector or police	5-day suspension	10-day suspension	15-day suspension	Revocation
(5) Commission of a crime other than a felony on the premises by a licensee or employee	$700.00	$1,500.00	5-day suspension	Revocation
(6) Commission of a felony on the premises by a licensee or employee	$2,000.00	Revocation	n/a	n/a
(7) Death or great bodily harm in establishment related to violation of law or license conditions	30-day suspension	60-day suspension	Revocation	n/a
(8) Failure to pay license fees	Suspension	Revocation		

(9) Critical violations under 331A	$250.00	$500.00	$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under 331A	$150.00	$250.00	$500.00	$1,000.00
(11) Taxi fail to display driver's license as required by 376.16(f)	$100.00	$250.00	$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by 376.11(v)	$100.00	$250.00	$500.00	Revocation
(13) Violation of restrictions upon sidewalk café license under 106.01(b)	$200.00	$400.00	$800.00	Revocation

(i) *Fines payable without hearing.*

A. Notwithstanding the provisions of section 310.05(c), a licensee who would be making a first or second appearance before the council may elect to pay the fine to the department of safety and inspections without a council hearing, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive fine amount. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

B. For adverse action initiated under chapter 331A of this Code, a fine may be paid without a hearing regardless of how many prior appearances that licensee has made before the council. The above council hearing requirement applies to violations under chapter 331A unless the fine recommended by the department of safety and inspections is equal to or less than the fine amount outlined in the above

matrix. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and will be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations. A non-critical violation under chapter 331A shall not be considered an "appearance" for purposes of determining presumptive penalties for non-331A violations. A council hearing is required if the department of safety and inspections recommends a fine that is an upward departure for the amount outlined above.

(ii) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

(iii) *Violations occurring after the date of the notice of hearing.* Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2nd Appearance" before the council. The same procedures shall apply to a second, third or fourth appearance before the council.

(iv) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance. However, non-critical violations of chapter 331A shall not be counted as an "appearance" before the council in relation to any violation other than another violation of chapter 331A.

(v) *Computation of time.*

(1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.

(3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.

(4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen-, or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(5) Notwithstanding subsections (iv)(1), (2), (3) or (4) above, a second appearance before the council regarding a death or great bodily harm in a licensed establishment that is related to a violation of the law or license conditions shall be counted as a second appearance, regardless of how much time has passed

since the first appearance if the first appearance was also regarding a death or great bodily harm in a licensed establishment. A third appearance for the same shall be counted as a third appearance regardless of how much time has passed since the first or second appearance.

(6) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (m) or a violation of section 409.26(b).

(Code 1956, § 510.05; Ord. No. 17551, § 2, 4-19-88; Ord. No. 17559, §§ 1, 2, 5-17-88; Ord. No. 17659, § 1, 6-13-89; Ord. No. 17911, § 1, 3-10-92; C.F. No. 94-46, § 7, 2-2-94; C.F. No. 94-898, §§ 2, 3, 7-13-94; C.F. No. 94-1340, § 2, 10-19-94; C.F. No. 95-473, § 4, 5-31-95; C.F. No. 05-180, § 1, 4-6-05; C.F. No. 06-954, § 1, 11-8-06; C.F. No. 06-1072, § 1, 12-27-06; C.F. No. 07-149, § 73, 3-28-07; C.F. No. 07-1053, § 1, 11-28-07; C.F. No. 08-1208, § 1, 12-17-08; C.F. No. 10-665, § 1, 7-28-10; Ord. No. 11-93, § 1, 9-28-11; Ord. No. 11-94, § 1, 10-12-11; Ord 12-42, § 1, 8-22-12; Ord 12-85, § 1, 1-23-13)

Sec. 310.06. - Revocation; suspension; adverse actions; imposition of conditions.

(a) *Council may take adverse action.* The council is authorized to take adverse action, as defined in section 310.01 above, against any or all licenses or permits, licensee or applicant for a license, as provided in and by these chapters. Adverse actions against entertainment licenses issued under chapter 411 of the Legislative Code may be initiated for the reasons set forth in subsection (b) below, or upon any lawful grounds which are communicated to the license holder in writing prior to the hearing before the council. Such actions shall be initiated and carried out in accordance with the procedures outlined in section 310.05; provided, however, that the formal notice of hearing shall be used to initiate the adverse action without the use of prior procedural steps.

(b) *Basis for action.* Such adverse action may be based on one (1) or more of the following reasons, which are in addition to any other reason specifically provided by law or in these chapters:

(1) The license or permit was procured by misrepresentation of material facts, fraud, deceit or bad faith.

(2) The applicant or one acting in his or her behalf made oral or written misstatements or misrepresentations of material facts in or accompanying the application.

(3) The license was issued in violation of any of the provisions of the zoning code, or the premises which are licensed or which are to be licensed do not comply with applicable health, housing, fire, zoning and building codes and regulations.

(4) The license or permit was issued in violation of law, without authority, or under a material mistake of fact.

(5) The licensee or applicant has failed to comply with any condition set forth in the license, or set forth in the resolution granting or renewing the license.

(6) a. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any act which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith;

b. The licensee or applicant has been convicted of a crime that may disqualify said applicant from holding the license in question under the standards and procedures in Minnesota Statutes chapter 364; or

c. The licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.

(7) The activities of the licensee in the licensed activity created or have created a serious danger to the public health welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner.

(8) The licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public.

(9) Failure to keep sidewalks or pedestrian ways reasonably free of snow and ice as required under chapter 114 of the Saint Paul Legislative Code.

(10) The licensee or applicant has shown by past misconduct or unfair acts or dealings: physical abuse, assaults or violent actions done to others, including, but not limited to, actions meeting the definition of criminal sexual conduct pursuant to Minnesota Statutes sections 609.342 through 609.3451; sexual abuse, physical abuse or maltreatment of a child as defined in Minnesota Statutes section 626.556, subdivisions 2 and 10e, including, but not limited to, acts which constitute a violation of Minnesota Statutes sections 609.02, subdivision 10; 609.321 through 609.3451; or 617.246; neglect or endangerment of a child as defined in Minnesota Statutes section 626.557, subdivision 2; the manufacture, distribution, sale, gift, delivery, transportation, exchange or barter of a controlled substance as defined in Minnesota Statutes chapter 152; the possession of a controlled substance as defined in Minnesota Statutes chapter 152 in such quantities or under circumstances giving rise to a reasonable inference that the possession was for the purpose of sale or distribution to others; or by the abuse of alcohol or other drugs, that such licensee or applicant is not a person of the good moral character or fitness required to engage in a licensed activity, business or profession.

(11) The licensee or applicant has materially changed or permitted a material change in the design, construction or configuration of the licensed premises without the prior approval of the city council in the case of Class N licenses, the director in the case of Class T licenses, and the inspector in the case of Class R licenses, or without first having obtained the proper building permits from the city.

(12) The licensee or applicant has violated section 294.01 of the Legislative Code, or has made or attempted to make a prohibited ex parte contact with a council member as provided in section 310.05(c-2) of the Legislative Code.

(13) The licensee violated the law or any license condition and that violation is related to a death or great bodily harm, as defined in Minnesota Statute section 609.02, subd. 8, in or near the establishment.

(14) The licensee has failed to pay license fees within sixty (60) days of the date the fees are due. Licensee must pay any outstanding fees and delinquent fees in total. Failure to do so within sixty (60) days of the due date may result in revocation of the license. A revocation for this reason, however, is not considered a revocation resulting from misconduct or unfitness of the licensee, evidence of violations of law involving licensed premises, evidence that the applicant had been involved in the operation of a nuisance, or fraud or deception in the license application. Therefore, the requirement of § 310.02(d) prohibiting re-application within one year of revocation shall not apply to revocations under this paragraph.

The terms "licensee" or "applicant" for the purpose of this section shall mean and include any person who has any interest, whether as a holder of more than five (5) percent of the stock of a corporation, as a partner, or otherwise, in the premises or in the business or activity which are licensed or proposed to be licensed.

With respect to any license for activities entitled to the protection of the First Amendment, notwithstanding the foregoing provisions, neither the lack of good moral character or fitness of the licensee or applicant nor the content of the protected speech or matter shall be the basis for adverse action against the license or application.

(c) *Imposition of reasonable conditions and/or restrictions.* When a reasonable basis is found to impose reasonable conditions and/or restrictions upon a license issued or held under these chapters, any one (1) or more such reasonable conditions and/or restrictions may be imposed upon such license for the purpose of promoting public health, safety, welfare, of advancing the public peace and the elimination of conditions or actions that constitute a nuisance or a detriment to the peaceful enjoyment of urban life, or promoting security and safety in nearby neighborhoods. Such reasonable conditions and/or restrictions may include or pertain to, but are not limited to:

(1) A limitation on the hours of operation of the licensed business or establishment, or on particular types of activities conducted in or on said business or establishment;

(2) A limitation or restriction as to the location within the licensed business or establishment where particular type of activities may be conducted;

(3) A limitation as to the means of ingress or egress from the licensed establishment or its parking lot or immediately adjacent area;

(4) A requirement to provide off-street parking in excess of other requirements of law;

(5) A limitation on the manner and means of advertising the operation or merchandise of the licensed establishment;

(6) Any other reasonable condition or restriction limiting the operation of the licensed business or establishment to ensure that the business or establishment will harmonize with the character of the area in which it is located, or to prevent the development or continuation of a nuisance.

The inspector may impose such conditions on Class R licenses with the consent of the license holder, or may recommend the imposition of such conditions as an adverse action against the license or licenses; the inspector has the same power with respect to Class T licenses. The council may impose such conditions on Class N licenses with the consent of the license holder, or upon any class of license as an adverse action against the license or licenses following notice and hearing as may be required. Such conditions may be imposed on a license or licenses upon issuance or renewal thereof, or upon and as part of any adverse action against a license or licenses, including suspension. Conditions imposed on a license or licenses shall remain on such licenses when renewed and shall continue thereafter until removed by the council in the case of conditions on Class N licenses or conditions imposed by adverse action, and by the inspector in the case of Class R and T licenses.

(d) *Standards for multiple license determination.* In any case in which the council is authorized to take adverse action against less than all of the licenses held by a licensee, or applied for by an applicant, the following standards may be used:

(1) The nature and gravity of the grounds found by the council to exist upon which the adverse action would be based;

(2) The policy and/or regulatory goals for the particular licenses involved, either as embodied in the Legislative Code or as found and determined by the council;

(3) The interrelationship of the licenses and their relative importance to the overall business enterprise of the licensee or applicant;

(4) The management practices of the licensee or applicant with respect to each of such licenses;

(5) The extent to which adverse action against less than all of the licenses or applications would result in difficulty in enforcing and monitoring the adverse action taken;

(6) The hardship to the licensee or applicant that would be caused by applying adverse action to all licenses or

applications; and

(7) The hardship and/or danger to the public, or to the public health and welfare, that would result from adverse action against less than all of the licenses or applications.

(Code 1956, § 510.06; Ord. No. 17584, § 1, 8-25-88; Ord. No. 17657, § 15, 6-8-89; Ord. No. 17659, § 2, 6-13-89; Ord. No. 17901, §§ 2, 3, 1-14-92; Ord. No. 17917, §§ 2, 3, 3-31-92; Ord. No. 17922, § 1, 4-28-92; C.F. No. 94-500, § 3, 7-6-94; C.F. No. 94-1340, § 3, 10-19-94; C.F. No. 95-473, § 5, 5-31-95; C.F. No. 99-500, § 3, 7-7-99; C.F. No. 06-954, § 2, 11-8-06; C.F. No. 06-1072, § 2, 12-27-06)

Sec. 310.07. - Termination of licenses; surety bonds; insurance contracts.

(a) Automatic termination, reinstatement; responsibility of licensee. All licenses or permits which must, by the provisions of these chapters or other ordinances or laws, be accompanied by the filing and maintenance of insurance policies, deposits, guarantees, bonds or certifications shall automatically terminate on cancellation or withdrawal of said policies, deposits, bonds or certifications. No licensee may continue to operate or perform the licensed activity after such termination. The licensee is liable and responsible for the filing and maintenance of such policies, deposits, guarantees, bonds or certifications as are required in these chapters, and shall not be entitled to assert the acts or omissions of agents, brokers, employees, attorneys or any other persons as a defense or justification for failure to comply with such filing and maintenance requirements. In the event the licensee reinstates and files such policies, bonds or certifications without a lapse within thirty (30) days, the license is automatically reinstated on the same terms and conditions, and for the same period as originally issued. After thirty (30) days, the applicant must apply for a new license as though it were an original application.

If there is a lapse in insurance, the licensee is subject to adverse action in accordance with Saint Paul Legislative Code § 310.05. License is null and void during the lapse.

(b) *Bonds and insurance requirements:*

(1) Surety Companies: All surety bonds running to the City of Saint Paul shall be written by surety companies authorized to do business in the State of Minnesota. All insurance policies required by these chapters shall be written by insurance companies authorized to do business in the State of Minnesota.

(2) Approved as to Form: All bonds filed with the City of Saint Paul in connection with the issuance of licenses for whatever purpose, and all policies of insurance required to be filed with or by the City of Saint Paul in connection with the issuance of licenses for any purpose whatsoever, shall first be approved as to form by the city attorney.

(3) Uniform Endorsement: Each insurance policy required to be filed pursuant to these chapters shall contain the endorsement set forth in Chapter 7 of the Saint Paul Legislative Code.

(4) Conditions: All bonds required by these chapters shall be conditioned that the licensee shall observe all ordinances and laws in relation to the licensed activity, business, premises or facilities and that he shall conduct all such activities or business in conformity therewith. Such bonds shall also indemnify the City of Saint Paul against all claims, judgments or suits caused by, resulting from or in connection with the licensed business, premises, activity, thing, facility, occurrence or otherwise licensed under these chapters.

(c) *Termination of bonds and insurance required by city.* Termination of bonds and insurance required to be filed with the city pursuant to these chapters shall be in accordance with the requirements of Chapter 8 of the Saint Paul Legislative Code.

(d) *Expiration date to be concurrent with term of license or permit.* The expiration date of all such policies, bonds, guar or certifications shall be concurrent with the expiration date of the license or permit.

(Code 1956, § 510.07; Ord 12-74, § 1, 11-28-12)

Sec. 310.08. - Terms of licenses; uniform dates.

(a) All licenses or permits shall be valid for a period of one (1) year from the date of issuance by the inspector, except as otherwise provided herein or in these chapters or in cases of revocation, suspension or termination under section 310.06.

(b) Licensees may continue to operate their business after the expiration date of their license; provided, that the licensee has filed with the inspector on or before the expiration date the appropriate license application, license fees, insurance and bonds. The inspector shall process the renewal application in the manner provided for in this Code.

(c) Whenever any licensee is the holder of the two (2) or more licenses of the City of Saint Paul which expire on different dates, the inspector is authorized, at the request of the licensee, to determine a uniform date for the expiration of all or any number of such licenses, notwithstanding the term and expiration dates of such licenses as originally issued, and notwithstanding any provision as to term of license of any ordinance of the city heretofore or hereafter enacted. The provisions hereof shall govern the issuance of any new license to one already holding a license.

(d) In order to conform to the foregoing provisions, new licenses may be issued for a term of less than one (1) year, and the license fee therefor shall be prorated for the period of issuance.

(Code 1956, § 510.08; Ord. No. 17360, § 1, 6-5-86)

Sec. 310.09. - Fees.

(a) *Exempt organizations.* The Legislative Code exempts certain organizations from paying the customary license or permit fees or establishes a nominal fee of less than seven dollars ($7.00). The terms and conditions of such exemptions are stated within the applicable chapters. Such organizations shall pay a five dollars ($5.00) minimum processing fee for each and every application for a license or permit to be issued by the division manager, director or council of the city.

(b) *Fee schedule.* The council may by ordinance determine and establish one (1) fee schedule for any or all licenses and permits issued pursuant to these chapters, and a separate fee schedule for applications for such licenses and permits, which may include fees to cover costs incurred by reason of the late filing. Such fees, in either schedule, shall be reasonably related to the costs of administration incurred in connection with each such application, license or permit. Costs of administration shall mean and include, but without limitation by this specification, both direct and indirect costs and expenses, such as salaries, wages, benefits and all personnel costs including training, seminars and schooling, expenses of investigations and inspections, handling of inquiries and requests for assistance, telephone and communications, stationery, postage, paper, reproduction, office capital equipment and all office supplies. Such fee schedules as adopted by ordinance and posted in the office of the inspector shall supersede inconsistent fee provisions in these chapters or in other ordinances or laws.

(c) *Fee for one year; may be prorated.* Unless otherwise specifically provided, the license fee stated is for a period of one (1) year. Such fee may be prorated where a license is issued for a period of less than a year.

(d) *Late fee.* Unless otherwise specifically provided by the particular licensing provisions involved, an applicant for the r of a license who makes application for such renewal after the expiration date of such license shall be charged a late each such license. The late fee shall be in addition to any other fee or payment required, and shall be ten (10) perce the annual license fee for such license for each thirty-day period or portion thereof which has elapsed after the exp date of such license. The late fee shall not exceed fifty (50) percent of the annual license fee. If any provision of thes chapters imposes more stringent or additional requirements for the issuance of an original license than would be th for mere renewal, those requirements must be met when the license has lapsed by reason of expiration.

(e) Environmental change of ownership fee. Unless otherwise stated, the environmental change of ownership fee shall be 25% of the environmental plan review fee for each license type.

(Code 1956, § 510.09; Ord. No. 16884, 2-11-82; Ord. No. 17802, § 1, 1-10-91; C.F. No. 03-893, § 1, 11-5-03)

Sec. 310.10. - Refunds of fees.

(a) *Refund where application withdrawn; service charge.* Unless otherwise specifically provided by the particular licensing provisions involved, where an application for any license is withdrawn, the inspector shall refund to the applicant the license fee submitted less a service charge to recover in part the costs incurred in processing the application in the amount of twenty-five (25) percent of the annual license fee.

(b) *Limitation on refund; other cases.* In all other cases as provided in paragraph (c), the director of the department of safety and inspections, or his designee, may upon receipt of a written request refund the license fee, less a service charge to recover in part the costs incurred in processing the application up to twenty-five (25) percent of the annual licensee fee.

(c) *Bases for refunds.* Refunds under paragraph (b) may be made to the licensee or his estate:

(1) Where the place of business of the licensee or his principal equipment is destroyed or so damaged by fire or any other cause that the licensee ceases for the remainder of the licensed period to engage in the licensed activity or business;

(2) Where the business or licensed activity ceases by reason of the death or illness of the licensee or the sole employee or manager; or

(3) Where it has become unlawful for the licensee to continue in the business or licensed activity other than by cancellation, termination, revocation, suspension, denial or any criminal activity on the part of the licensee.

(Code 1956, § 510.10; C.F. No. 09-516, § 1, 6-10-09; Ord. No. 11-69, § 1, 8-24-11; Ord 12-33, § 1, 6-27-12)

Sec. 310.11. - Transfers; general.

(a) *License a privilege, not property.* All licenses or permits issued by the City of Saint Paul pursuant to these chapters or other ordinances or laws confer a privilege on the licensee to engage in the activity or occupation so licensed, and do not constitute property or property rights or create any such rights in any licensee. No such license or permit may be seized, levied upon, attached, executed upon, assessed or in any manner taken for the purpose of satisfaction of any debt or obligation whatever.

(b) *Licenses not transferable; conditions.* Notwithstanding any other provision of the Saint Paul Legislative Code to the contrary, no licenses issued by the City of Saint Paul shall be transferable.

(c) *Transfer; definition.* "Transferable" means the ability to transfer a license or licenses from one (1) person to another, or from one (1) location to another. "Transfer," as used in these chapters, shall include a transfer from

person to person, or from place to place, or a transfer of stock in a corporate licensee, or of shares or interests in a partnership or other legal entity. "Transfer," as used in these chapters, shall not include the instance where a license is held by an individual or partnership and the transfer is by said individual or partnership to a corporation in which the majority of the stock is held by said individual or by the members of said partnership.

(d) *Deceased licensee.* Notwithstanding any other provision of these chapters, in any case where a liquor license is held by a person not incorporated and where the license would, by reason of the death of said licensee, lapse to the city in the absence of this paragraph, the authorized representative of the estate of the deceased licensee may consent to and seek to reissue said license to the beneficiary to the licensed establishment. The reissuance shall be subject to all applicable requirements of these chapters and existing law.

(Code 1956, § 510.11; Ord. No. 16822, 9-3-81; Ord. No. 17551, § 3, 4-19-88; C.F. No. 95-473, § 6, 5-31-95)

Sec. 310.12. - Inspection of premises.

The premises, facilities, place, device or anything named in any license issued pursuant to any provision of the Saint Paul Legislative Code or other law shall at all times while open to the public or while being used or occupied for any purpose be open also to inspection and examination by any police, fire, or health officer or any building inspector of the city, as well as the inspector.

(Code 1956, § 510.12)

Sec. 310.13. - Renewal.

Every license renewal under these chapters may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust, or similar program, established for the benefit of his employees.

(Code 1956, § 510.13)

Sec. 310.14. - Savings clause.

(a) If any provision in these chapters is held unconstitutional or invalid by a court of competent jurisdiction, the invalidity shall extend only to the provision involved and the remainder of these chapters shall remain in force and effect to be construed as a whole.

(b) The repeal of any ordinance by this ordinance (which enacts the Uniform License Ordinance) shall not affect or impair any act done, any rights vested or accrued, or any suit, proceeding or prosecution had or commenced in any matter, prior to the date this ordinance became effective. Every such act done or right vested or accrued shall remain in full force and effect to all intents and purposes as if the repealed ordinances had themselves remained in force and effect. Every such suit, proceeding or prosecution may be continued after repeal as though the repealed ordinances were fully in effect. A suit, proceeding or prosecution which is based upon an act done, a right vested or accrued, or a violation committed prior to repeal of the repealed ordinances, but which is commenced or instituted subsequent to repeal of the repealed ordinances, shall be brought pursuant to and under the provisions of such repealed ordinances as though they continued to be in full force and effect.

(Code 1956, § 510.14)

Sec. 310.15. - Penalty.

Any person who violates any provision of these chapters, or other ordinances or laws relating to licensing, or who aids, advises, hires, counsels or conspires with or otherwise procures another to violate any provision of these chapters or other ordinances or laws relating to licensing is guilty of a misdemeanor and may be sentenced in accordance with section 1.05 of the Saint Paul Legislative Code. The term "person," in addition to the definition in section 310.01, shall for the purpose of this section include the individual partners or members of any partnership or corporation, and as to corporations, the officers, agents or members thereof, who shall be responsible for the violation.

(Code 1956, § 510.15)

Sec. 310.16. - Reserved.

Editor's note— Section 310.16, pertaining to license fees and annual increases, and derived from Ord. No. 16885, adopted Feb. 11, 1982; Ord. No. 17059, adopted Oct. 20, 1983; and Ord. No. 17303, adopted Oct. 29, 1985, was repealed by Ord. No. 17884, § 1, adopted Nov. 19, 1991.

Sec. 310.17. - Licensee's responsibility.

Any act or conduct by any clerk, employee, manager or agent of a licensee, or by any person providing entertainment or working for or on behalf of a licensee, whether compensated or not, which act or conduct takes place either on the licensed premises or in any parking lot or other area adjacent to (or under the lease or control of) the licensed premises, and which act or conduct violates any state or federal statutes or regulations, or any city ordinance, shall be considered to be and treated as the act or conduct of the licensee for the purpose of adverse action against all or any of the licenses held by such licensee. To the extent this section is in conflict with sections 409.14 and 410.09 of the Legislative Code, this section shall be controlling and prevail; but shall not otherwise amend, alter or affect such sections.

(Ord. No. 17629, § 1, 1-31-89)

Sec. 310.18. - License fee schedule.

Notwithstanding the provision of any other ordinance or law to the contrary, the following fees are hereby provided for all the licenses listed herein. These fees supersede all inconsistent provisions, including, but not limited to, graduated fee provisions, in these chapters and in other ordinances and laws, and include the fee for the license application as part of the license fee; provided, however, that this section does not amend or modify sections 310.09(a) or 310.09(d) of the Legislative Code with respect to exempt organizations or late fees. Pursuant to section 310.09(b) of the Legislative Code, these schedules shall be posted in the office of the director. These fees shall be effective for license renewals and new license applications occurring on and after January 1, 1995, or on the effective date of this section, whichever is later; provided, however, that with respect to all licenses whose renewal dates occur after the effective date of this new schedule, there shall be no increases in, nor offsets or refunds of, the existing fees paid, or due and owing.

(a) ENFORCEMENT LEVEL 1

Chapter/Section		
No.	License Description	Fee

165	Agricultural Vehicle Parking Permit	$21.00
316.02	Animal Foods Manufacturing and Distribution	79.00
317.01	Amusement Rides	79.00
323.02	Christmas Tree Sales	79.00
325.02	Close Out Sale	79.00
327.03	Laundry Dry Cleaning Pickup Station	79.00
332.03	Liquid Fuel Vehicle	79.00
333.03	Solid Fuel Vehicle	79.00
340.04	Mercantile Broker	79.00
345.04	Peddler (Solicitor/Transient)	79.00
346.03	Mobile Retail Vehicle	79.00
348.01	Animal Day Care	77.00
348.01	Animal Boarding	77.00
350.02	Rental of Hospital Equipment	79.00
350.02	Rental of Hospital Equipment Vehicle	79.00
351.03	Rental of Kitchenware	79.00
353.02	Roller Rinks	79.00
355.02	Secondhand Dealer-Single Location	79.00
357.03	Solid Waste Hauler—Each Vehicle Over One	79.00
359.03	Sound Trucks and Broadcast Vehicles	79.00
371.02	Finishing Shop	79.00

361.01	Tow Truck/Wrecker Vehicle	79.00
362.02	Tree Trimmer—Additional Vehicle	79.00
372.02	Tire Recapping Plant	79.00
377.03	Lawn Fertilizer and Pesticide Application	79.00
382.03	Pet Grooming Facility	79.00
409.05(b), 410.07(c)	Liquor-Outdoor Service Area (Patio)	79.00
424.02	Gas Stations	104.00

(b) ENFORCEMENT LEVEL 2

Chapter/Section		
No.	License Description	Fee
320.03	Bituminous Contractor	$194.00
322.02(a)	Pool Halls	194.00
322.02(b)	Bowling Centers	194.00
326.06	Building Contractors	194.00
327.03	Laundry/Dry Cleaning Plants	194.00
332.03	Fuel Dealers—Liquid	194.00
333.03	Fuel Dealers—Solid	194.00
334.03	Pest Control	194.00
338.02	House Sewer Contractors	194.00
342.02	Bulk Oil Storage	194.00

347.03	Pet Shop	194.00
352.03	Rental of Trailers	194.00
355.02	Secondhand Dealer—Exhibitions	194.00
356.02	Sidewalk Contractors	194.00
362.02	Tree Trimming (with One Vehicle)	194.00
364.02	Veterinary Hospital	194.00
365.02	Window Cleaning	194.00
401.02	Motorcycle Dealer	194.00
405.02	Dance or Rental Hall	297.00
406.04	Game Room	194.00
408.03	Recycling Collection Center	194.00
415.04	Theaters and Movie Theaters	194.00
416.03	Motion Picture Drive-in Theater	194.00
426.04	Cabaret (Class A and B)	194.00

(c) ENFORCEMENT LEVEL 3

Chapter/Section		
No.	License Description	Fee
225.04(a)	Firearms	$375.00
324.04	Cigarettes	495.00
354.02	Sanitary Disposal Vehicle	375.00

355.02	Secondhand Dealer-Multiple Dealers	375.00
357.03	Solid Waste Hauler and Vehicle	375.00
360.03	Public Swimming Pools	375.00
360.03	Whirlpools	375.00
361.13	Tow Truck/Wrecker Operator	375.00
383.03	Vehicle Immobilization Service	375.00
376.04	Taxicabs	434.00
376.05	Taxicabs (Reciprocity Event)	34.00
379.02	Short-term Rental Platform License	10,353.00
379.02	Short-term Rental Host License	42.00
381.02(d)	Currency Exchanges	375.00
401.02	New Motor Vehicle Dealer	375.00
401.02	Secondhand Dealer Motor Vehicle Parts	469.00
401.02	Secondhand Motor Vehicle Dealer	469.00
407.03	Hotel/Motel—To 50 rooms	375.00
407.03	Hotel—Each additional room over 50	13.00
409.07.1(a), 410.04(c)	Liquor—Extension of Service Hours	375.00
412A.03	Massage Center—Adult	375.00
412A.03	Environmental Plan Review Massage Center Adult	413.00
413.04	Conversation/Rap Parlor (A and B)	375.00
415.04	Mini-Motion Picture Theater—Adult	375.00

417.04	Parking Lots and Parking Garages	375.00
417.04	Parking Garages (Government)	0.00
417.04	Parking Garages (Private)	367.00
422.02	Motor Vehicle Salvage Dealer	375.00
423.02(b)	Auto Body Repair Garage	469.00
423.02(a)	Auto Repair Garage	469.00
427.04	Health/Sports Clubs	375.00
427A.04	Health/Sports Club (Adult)	375.00
428.04	Steam Room/Bath House (Class A and B)	375.00
423.02(b)	Auto Body Repair/Painting Shop	469.00

(d) ENFORCEMENT LEVEL 4

Chapter/Section		
No.	License Description	Fee
331A.04	Catering-Limited	$ 326.00
331A.04	Environmental Plan Review—Catering—Limited	380.00
331A.04	Catering	570.00
331A.04	Environmental Plan Review—Catering	625.00
331A.04	Catering—Add on	250.00
331A.04	Environmental Plan Review—Catering—Add on	380.00
331A.04	Customer Appreciation—Food Sales	55.00

331A.04	Day Care Food	109.00
331A.04	Food Give-Away	55.00
331A.04	Food Processing/Packaging/Distributing	217.00
331A.04	Environmental Plan Review—Food Processing/Packaging/Distributing	380.00
331A.04	Food Vehicle	92.00
331A.04; 363.02(a)	Food Vending Machine	16.00
331A.04; 363.02(a)	Food Vending Machine Operator	136.00
331A.04	Food/Boarding Facility	353.00
331A.04	Environmental Plan Review—Food/Boarding Facility	380.00
331A.04	K—12 School Food Service	217.00
331A.04	Environmental Plan Review — K—12 School Food Service	272.00
331A.04	K—12 School Food Service—Limited	109.00
331A.04	Environmental Plan Review—K—12 School Food Service—Limited	136.00
331A.04	Mobile Food Vehicle	244.00
331A.04	Mobile Food Cart—Limited	110.00
331A.04	Mobile Food Cart—Full	217.00
331A.04	Environmental Plan Review—Restaurant (1)	381.00
331A.04	Environmental Plan Review—Restaurant (2)	381.00
331A.04	Environmental Plan Review—Restaurant (3)	625.00
331A.04	Environmental Plan Review—Restaurant (4)	625.00

331A.04	Environmental Plan Review—Restaurant (5)	625.00
331A.04	Restaurant (D)—Add-On	272.00
331A.04	Environmental Plan Review Restaurant (D) Add-On	381.00
331A.04	Restaurant (D)—Add-on (Bar Only)	109.00
331A.04	Environmental Plan Review Restaurant (D) Add-On (Bar Only)	190.00
331A.04	Restaurant (E)—Extension	164.00
331A.04	Environmental Plan Review—Restaurant (E)—Extension	136.00
331A.04	Environmental Plan Review—Restaurant (L)—Limited	381.00
331A.04	Restaurant (L)—Limited	272.00
331A.04	Restaurant (1)—no seats	435.00
331A.04	Restaurant (2)—1—12	478.00
331A.04	Restaurant (3)—13—50	580.00
331A.04	Restaurant (4)—51—150	631.00
331A.04	Restaurant (5)— 151 and over	673.00
331A.04	Retail Food Establishment (A)—1 to 100 Sq. Ft.	82.00
331A.04	Environmental Plan Review—Retail Food Establishment (A)	136.00
331A.04	Retail Food Establishment (B)—101 to 1000 Sq. Ft.	109.00
331A.04	Environmental Plan Review Retail Food Establishment (B)	272.00
331A.04	Retail Food Establishment (C)—1001 to 3000 Sq. Ft.	408.00
331A.04	Environmental Plan Review Retail Food Establishment (C)	408.00
331A.04	Retail Food Establishment (D)—3001 to 6000 Sq. Ft.	652.00

331A.04	Environmental Plan Review Retail Food Establishment (D)	516.00
331A.04	Retail Food Establishment (E)—6001 to 10,000 Sq. Ft.	978.00
331A.04	Environmental Plan Review Retail Food Establishment (E)	652.00
331A.04	Retail Food Establishment (F)—over 10,000 Sq. Ft.	1,413.00
331A.04	Environmental Plan Review Retail Food Establishment (F)	816.00
331A.04	Retail Food Establishment—Farmers' Market	164.00
331A.04	Retail Food Establishment—Temporary	65.00
331A.04	Retail Food Establishment—Nonprofit	27.00
331A.04	Environmental Plan Review—Retail Food Establishment—Nonprofit	55.00
331A.04	Retail Food Establishment—Secondary Facility	82.00
331A.04	Environmental Plan Review Retail Food Establishment—Secondary Facility	381.00
331A.04	Retail Food Establishment—Restricted Food Service	79.00
331A.04	Special Event Food Sales—1 to 3 days (up to 150 sq. feet)	190.00
331A.04	Special Event Food Sales—4 to 10 days (up to 150 sq. feet)	217.00
331A.04	Special Event Food Sales—Up to 3 events (up to 150 sq. feet)	217.00
331A.04	Special Event Food Sales—late fee	50% of special event food sales fee
331A.04	Special Event Food Sales (Nonprofit) (up to 150 sq. feet)	55.00
331A.04	Special Event Food Sales—Extension (up to 150 sq. feet)	109.00
331A.04	Special Event Food Sales—Each additional 150 square feet portion thereof	25% of special event foods sales fee

331A.04	Special Event Food Sales—Each additional location fee	85.00
331A.04	Nonprofit 1 Day Special Event—1—10 Stands	275.00
331A.04	Nonprofit 1 Day Special Event—Each Additional 10 Stands or Portion of 10 Stands	275.00
331A.04	Seasonal Temporary Food Stand	244.00

(e) ENFORCEMENT LEVEL 5

Chapter/Section		
No.	License Description	Fee
409.27	2:00 a.m. closing	$55.00
409.05(i)	Intoxicating Liquor—Fee waived for government agencies	0.00
409.01(c)	Liquor Catering Permit—Annual	178.00
409.02	Off-Sale Microdistillery	190.00
409.05(b)	Liquor Catering Permit—Temporary	55.00
409.05(b)	On-Sale—100 seats or less	4,964.00
409.05(b)	On-Sale—101—180 seats	5,497.00
409.05(b)	On-Sale—181—290 seats	5,889.00
409.05(b)	On-Sale—291 or more seats	5,970.00
409.05(b)	On-Sale—Theater	1,772.00
409.25(b)	Temporary Liquor	55.00
409.05(f)	On-sale Club—Under 200 members	300.00
409.05(f)	On-sale Club—201—500 members	500.00

409.05(f)	On-sale Club—501—1,000 members	650.00
409.05(f)	On-sale Club—1,001—2,000 members	800.00
409.05(f)	On-sale Club—2,001—4,000 members	1,000.00
409.05(f)	On-sale Club—4,001—6,000 members	2,000.00
409.05(f)	On-sale Club—6,000+ members	3,000.00
409.05(h)	Additional family members	57.00
409.02	Brewpub/Off-sale (Growler)	190.00
409.02	Off-Sale Brewery	190.00
409.05	Off-Sale	1,398.00
409.07(b)(2)	Sunday On-Sale	200.00
409.11(b)	Extension of Service Area—Temporary	63.00
410.07(a)(8), 409.15(b)	Wine On-Sale	2,000.00
409.25	Temporary Wine	55.00
409.25	Wine Licenses for Festivals	55.00
409.15(d)	On-Sale Malt (Strong)	659.00
409.28	Brewery Taproom	659.00
409.31	Microdistillery Cocktail Room	659.00
410.02	On-Sale Malt (3.2)	659.00
410.02, 410.11	On-Sale Malt—Fee waived for municipal golf courses	0.00
410.02	Off-Sale Malt	208.00
410.10(a)	Temporary Malt	55.00

411.03	Entertainment—Class A	257.00
411.03	Entertainment—Class B	622.00
411.03	Entertainment—Class C	2,955.00
411.05	Entertainment Temporary	32.00
409.08	Live Music Event—18 and Up	32.00
409.15(e)	Culinary On-sale	236.00
409.01	Private Event—Restaurant/Liquor Caterer	32.00

(f) ENFORCEMENT LEVEL 6

Chapter/Section		
No.	License Description	Fee
329.02	Alarm Permits	$40.00
317.01	Amusement Rides—Temporary	30.00
106.01(b)	Sidewalk Café—Food Only	37.00
106.01(b)(4)	Sidewalk Café—Liquor	37.00
127.04	Courtesy Benches	24.00
127	Courtesy Benches Transfer	16.00
293.09	Noise Variance	178.00
368.02	Wrecking of Buildings	60.00
369.03	Building Trades Business License	174.00
370.09	Building Trades Certificates of Competency	22.00
370.17	Trade Worker—Tier 1	34.00

370.17	Trade Worker—Tier 2	65.00
278.03	Gambling Hall	412.00
318.02	Mechanical Amusement Device	19.00
318.02	Music Machine	19.00
318.02	Amusement Rides	19.00
318.02	T.V. Units	19.00
344.02(a)	Pawn Shops	2,955.00
344.02(b)	Pawn Shop Billable Transaction Fee	3.00
373	Transportation Network Companies	38,069.00
374.3	Commercial Pedal Car Driver	47.00
374.3	Commercial Pedal Car Vehicle	109.00
374.3	Commercial Pedal Car Business	326.00
375.2(a)	Pedicab Vehicle	105.00
375.2(b)	Pedicab Driver	47.00
376	Taxicab Vehicle—Duplicate Sticker	19.00
376	Taxicab Replacement Vehicle Sticker	52.00
376.05	Taxicab Driver (Reciprocity Event)	33.00
376.16(d)	Taxicab Driver (new)	47.00
376.16(i)	Taxicab Driver Renewal	47.00
376	Taxicab Driver Duplicate Identification Card	6.00
376.17(d)	Taxicab Driver (provisional)	47.00

391.02	Soliciting Funds—Tag Days	24.00
402.08	Temporary Gambling (3 types)	55.00
403.03	Bingo Halls	212.00
409.05(g)	Gambling Location	78.00
409.08(11)	Modification of Parking	445.00
359.03	Sound Trucks and Broadcast Vehicles Nonprofit Organizations)	29.00
380.04	Tanning Facility	98.00
380.04	Environmental Plan Review Tanning Facility	178.00
414.02	Massage or Bodywork Practitioner—One Location	98.00
414.02	Massage or Bodywork Practitioner—Each Additional Location	29.00
414.02	Massage Center (Class A)—One practitioner	93.00
412.04	Massage Center (Class A)—Two or more practitioners	243.00
412.04	Therapeutic Massage Practitioner—Temporary	46.00
412.04	Environmental Plan Review Massage Center (Class A)	437.00
412.04	Massage Center (Class B)	98.00
412.04	Environmental Plan Review Massage Center (Class B)	178.00
357.03	Solid Waste Transfer Station	1,771.00
408.03	Recycling Processing Center	887.00
429.03	Infectious Waste Processing Facility	1,771.00
198.04(c)	Keeping of Animal (includes more than three (3) chickens	77.00
198.04(c)	Keeping of Animal—Renewal	28.00

198.04(c)	Tier 1 Chicken Permit	26.00
198.04(c)	Tier 1 Chicken Permit Renewal	16.00
198.04(c)	Tier 2 Chicken Permit	77.00
198.04(c)	Tier 2 Chicken Permit Renewal	28.00
198.04(c)	Keeping of More than Three (3) Cats	77.00
198.04(c)	Keeping of More than Three (3) Cats (Renewal)	28.00
200.03	Dog License—Annual Altered	20.00
200.03	Dog License—Annual Unaltered	81.00
200.03	Dog License—Annual Altered Reduced	10.00
200.03	Dog License—Lifetime (with Microchip, altered)	142.00
200.03	Dog License—Reduced, Lifetime (with Microchip and altered)	71.00
	Dog License—Reduced Rate, Lifetime (with Microchip, unaltered)	34.00
	Declared, Animal (microchip and altered	142.00
	Declared, Animal (microchip and altered	284.00
200.04	Dog License—Replacement	10.00
200.07	Impounding Fee	36.00
200.02(a)	Unlicensed Dog	59.00
200.121(e)	Dangerous Dog Registration	305.00
200.07	Boarding Fee—Per Day	19.00
	Animal Adoption—St. Paul Resident	51.00
	Rabies Vaccination for impounded dogs, cats, ferrets	30.00

	Microchipping for impounded animals	30.00
	Delinquent License Renewal fee (per month)	5.00
376.17	Taxicab Service Company	422.00

(C.F. No. 92-1742, § 1, 12-8-92; C.F. No. 93-1650, § 1, 12-9-93; C.F. No. 94-201, § 1, 3-16-94; C.F. No. 94-1447, § 1, 12-14-94; C.F. No. 95-519, § 2, 6-7-95; C.F. No. 95-1457, § 1, 1-3-96; C.F. No. 96-391, § 3, 5-8-96; C.F. No. 96-1095, § 1, 10-2-96; C.F. No. 97-912, § 1, 8-20-97; C.F. No. 99-500, § 4, 7-7-99; C.F. No. 99-812, § 1, 9-8-99; C.F. No. 00-457, § 1, 6-7-00; C.F. No. 00-1064, § 1, 12-12-00; C.F. No. 00-1065, § 1, 12-20-00; C.F. No. 01-613, §§ 1, 2, 7-5-01; C.F. No. 01-1244, § 1, 12-26-01; C.F. No. 02-770, § 1, 10-2-02; C.F. No. 1031, § 2, 11-27-02; C.F. No. 03-102, § 2, 3-12-03; C.F. No. 03-694, § 2, 9-3-03; C.F. No. 03-695, § 1, 9-3-03; C.F. No. 03-893, § 2, 11-5-03; C.F. No. 04-670, § 1, 8-4-04; C.F. No. 04-960, § 1, 11-3-04; 04-961, § 1, 11-10-04; C.F. No. 05-631, § 1, 8-10-05; C.F. No. 05-697, § 1, 8-24-05; C.F. No. 06-409, § 1, 5-24-06; C.F. No. 06-574, § 2, 7-26-06; C.F. No. 06-752, § 1, 9-13-06; C.F. No. 06-821, § 2, 9-27-06; C.F. No. 07-149, § 74, 3-28-07; C.F. No. 07-966, § 1, 12-12-07; C.F. No. 07-967, § 1, 12-12-07; C.F. No. 08-382, § 1, 5-14-08; C.F. No. 08-568, § 1, 6-25-08; C.F. No. 08-1009, § 1, 10-8-08; C.F. No. 08-1208, § 2, 12-17-08; C.F. No. 09-478, § 1, 5-27-09; C.F. No. 09-684, § 1, 7-22-09; C.F. No. 09-893, § 1, 10-14-09; C.F. No. 09-987, § 1, 10-14-09; Ord No. 11-56, § 1, 7-13-11; Ord No. 11-63, § 1, 4-25-12; Ord No. 12-24, § 1, 6-13-12; Ord 12-49, § 1, 9-12-12; Ord 12-45, § 1, 10-10-12; Ord 12-83, § 1, 1-9-13; Ord 13-1, § 1, 1-23-13; Ord 13-31, § 1, 5-22-13; Ord 13-34, § 1, 6-26-13; Ord 14-33, § 1, 8-27-14; Ord 14-40, § 1, 12-3-14; Ord 15-29, § 7, 5-27-15; Ord 15-65, § 1, 12-2-15; Ord 16-9, 4-20-16; Ord 16-16, § 2, 7-27-16; Ord 16-66, § 1, 1-4-16; Ord 17-47, § 1, 10-25-17; Ord 17-53, § 1, 11-8-2017; Ord 17-25, § 1, 8-2-17; Ord 18-65, § 1, 1-9-19; Ord 18-68, § 2, 1-9-19; Ord 19-78, § 1, 1-8-20; Ord 20-5, § 1, 2-20-20; Ord 21-65, § 2, 12-22-21)

Sec. 310.19. - Discount from certain license fees.

(a) A discount will be provided for on-sale and off-sale liquor licenses, on-sale and off-sale 3.2 malt liquor licenses and on-sale strong beer and wine licenses. Such fees mentioned shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) *Driver's license guide; compilation of laws.* The licensee shall maintain on the premises, in a location accessible at all times to all employees of the licensed establishment:

a. A current driver's license guide, which shall include license specifications for both adults and minors for each state (including Canadian provinces), and shall list such information from at least five (5) years prior to the present date; and

b. A current compilation of the laws relating to the sale and possession of alcoholic beverages in the state as outlined in Chapter 7515 of the State of Minnesota Rules and Minn. Stat. Ch. 340A. This compilation must also include chapters 240 through 246, 409 and 410 of the Saint Paul Legislative Code.

(2) *Signage.* The licensee shall maintain on the premises, in all customer areas, current signage relating to underage consumption of alcoholic beverages, and relating to driving under the influence of alcohol. One (1) sign must be located behind the bar, and one (1) sign must be present in each additional room or section

within the lounge area in which the writing on the sign behind the bar is not clearly legible. The sign(s) must have dimensions of at least one (1) foot by one (1) foot with letters at least one-half (½) inch in height. All signs must be comfortably readable from a distance of fifteen (15) feet.

(3) *Contract with security agency.*

a. *Generally.* The licensee shall participate in a training program with an approved private security agency, firm or association (hereafter "security agency") which is selected and contracts with the city for the purpose of providing investigations and training to the licensee pursuant to this subsection. The city contract shall provide (i) that the security agency shall not be reimbursed by the city, but that it shall recover its costs and profit by fees collected from the licensees which choose to receive the training program and investigative services, and (ii) that the security agency shall charge the same amount to all licensees who choose to receive such services, so that all such licensees are treated equally and without discrimination.

b. *Investigation.* The contract with the city shall provide for and require one (1) or more investigations by the security agency each calendar year into the practices of the licensee with respect to (i) age identification of customers in order to prevent sales of alcoholic beverages to minors, and (ii) preventing the sale of alcoholic beverages to persons who are obviously intoxicated. The contract shall require that the security agency disclose the results of all such investigations to both the licensee and, at no cost to the city, to the department, within ten (10) days after such investigations are concluded. Failure to do so will be grounds for adverse action against the licensee's licenses. The contract shall require that all such investigations shall include unannounced and random attempts by minors to purchase alcoholic beverages in the licensed premises, and surveillance within the licensed premises. The security agency shall employ reasonable measures to minimize or eliminate conflicts of interest in providing and reporting on investigations of licensees.

c. *Training.* The contract shall also provide for alcohol awareness training by the security agency of all officers, employees or agents of the licensee who work in the licensed premises at least once during the calendar year. All newly hired employees or new officers or agents hired during the calendar year shall receive such training within four (4) weeks following their hiring, and shall not work in the premises after that four-week period until they have received such training.

d. *Standards for approval.* In addition to the requirements specified elsewhere in this subsection, the security agency and its investigations and training must meet or exceed the following:

1. The alcohol awareness course shall cover all of the topics listed herein. The content of each training course shall include, but need not be limited to:

(a) Pertinent laws and ordinances regarding the sale of alcohol.

(b) Verification of age, forms of identification, and forms of false or misleading age identification.

(c) The effect of alcohol on humans and the physiology of alcohol intoxication.

(d) Recognition of the signs of intoxication.

(e) Strategies for intervention to prevent intoxicated persons from consuming further alcohol.

(f) The licensee's policies and guidelines, and the employee's role in observing these policies.

(g) Liability of the person serving alcohol.

(h) Effect of alcohol on pregnant women and their fetuses, and in other vulnerable situations.

(i) Training available in languages other than English that are spoken by the license holders and/or the employees.

2. The security agency shall have a minimum of two (2) years actual experience in alcohol awareness training. The courses may be given by one (1) or more instructors, but each instructor must have a formal education and/or training in each area they teach. The courses may be supplemented by audio-visual instruction.
3. The security agency shall have sufficient personnel and physical resources to provide an alcohol awareness training course to newly hired employees within four (4) weeks after their hiring by the licensee with whom there is a contract. The cost covering the training and investigation service provided to license holders shall be identified and charged equally to each participant.

The (7) seven percent shall be applied to the following licenses:

Brew pub

Off-sale brewery

Liquor catering permit

On-sale—Over 200 seats

On-sale—Over 100 seats

On-sale—100 seats or less

On-sale club—Under 200 members

On-sale club—201—500 members

On-sale club—501—1,000 members

On-sale club—1,001—2,000 members

On-sale club—2,001—4,000 members

On-sale club—4,001—6,000 members

On-sale club—6,000+ members

On-sale extended service hours

On-sale theatre

Off-sale

Sunday on-sale

Liquor—Outdoor service area

Wine on-sale

On-sale malt (strong)

On-sale malt (3.2)

(b) A discount will be provided for restaurant and catering licenses issued under Chapter 331A. Such fees shall be reduced seven (7) percent, contingent upon each of the following conditions:

(1) The licensee shall employ a person in charge, who, in the absence of the certified food manager, shall be on duty at all times and who can demonstrate that he/she have viewed a video concerning food allergies. The video presentation shall be provided by and will be viewed at the department of safety and inspections. If the person in charge leaves the licensee's employment, the establishment will have two months to either:

a. Have the new person in charge view the video on food allergy at a presentation by the department of safety and inspection; or

b. If there is no presentation within two months of that person being hired, ensure that the new person in charge is registered for the next available video presentation.

(2) Allergic customer alert process. The licensee shall produce a written procedure to alert all employees of an allergic customer. That policy shall, at a minimum, require that once a customer has notified any employee of an allergy to particular food item(s) or group(s), the establishment shall notify the above-referenced person in charge or certified food manager, and all employees who may handle any food item served to that customer of the food allergy.

(C.F. No. 94-1447, § 2, 12-14-94; C.F. No. 00-237, § 1, 4-5-00; C.F. No. 01-1260, § 1, 12-26-01; C.F. No. 02-107, 3-6-02; C.F. No. 04-1093, § 1, 12-15-04; C.F. No. 06-821, § 3, 9-27-06; C.F. No. 07-149, § 75, 3-28-07; C.F. No. 09-1290, § 1, 12-9-09)

Footnotes:

*--- (**49**) ---*

Cross reference— *For general provisions pertaining to liquor and beer, see Title XXIV; nonintoxicating malt liquor, Ch. 410; use of beer and intoxicating liquor in drive-in motion picture theatres prohibited, § 416.06(b).*

Sec. 409.01. - License required; catering approval.

(a) No person shall sell intoxicating liquor for consumption at any time or place in Saint Paul without a license.

(b) No person holding a catering permit issued by the state who does not have an appropriate on-sale liquor license issued by the city shall sell intoxicating liquor at any time or place in the city without first obtaining the required temporary liquor license as prescribed in this chapter. In addition, the holder of a state catering permit who wishes to obtain a temporary liquor license in the city shall provide the following additional information before the license can be approved by the department of safety and inspections:

(1) The exact location of the event necessitating the temporary license;

(2) A diagram showing the liquor service area;

(3) The hours of sale and/or service of intoxicating liquor;

(4) The nature of the event or occasion and whether it is public or private; and

(5) The approximate number of participants.

The applicant shall also provide adequate security for the event or occasion, which shall be described in the application. All requirements of law or ordinance relating to the sale and/or service of intoxicating liquor shall apply to distribution made pursuant to a catering permit and city temporary license including, but not limited to, insurance coverages.

(c) Any person holding the appropriate Saint Paul on-sale liquor and catering license shall be permitted to sell liquor at remote locations if they first obtain an annual special event license as prescribed in section 331.04 of this Code.

(d) *Private events.* Any person holding a restaurant license under Legislative Code section 331A.04(d) (19) (20) (21), (22) or (23), as amended from time to time, that does not also hold a license to sell liquor may request permission from the department of safety and inspections to hire a liquor caterer for a "private event" at which a liquor caterer licensed to provide alcohol in the city may sell or serve liquor at the non-liquor licensed location. No establishment holding any city license under a chapter other than 331A, 409 or 410 shall sell, serve, display or allow to be served or consumed alcoholic beverages on the licensed premises including if the establishment hires a caterer with the appropriate license. Non-liquor licensed restaurants who are licensed under 331A.04(d) (19)(20)(21)(22), or (23) shall hold private events at which liquor is sold, consumed, or served only under the following conditions:

(1) The private event can be for no more than one day.

(2) The private event shall not be open to the public.

(3) There shall be no more than three (3) private events in twelve (12) months.

(4) The department of safety and inspections must be notified in writing fifteen (15) days prior to the private event. The notification must contain a diagram showing the liquor service area, the hours of service of intoxicating liquor, the nature of the event or occasion and the approximate number of participants. The fee for such license shall be as set forth in Saint Paul Legislative Code § 310.18.

(5) The restaurant may hold the event only if it receives written permission from the department of safety and

inspections to hold the event. The written permission may contain reasonable conditions that must be followed during the event. The department of safety and inspections can refuse to give a restaurant permission to host a private event if:

a. The restaurant has had prior adverse actions arising out of a private event;

b. The restaurant has previously failed to obtain permission to host a private event; or

c. The restaurant has had other violations which relate to the licensed establishment.

(6) Adverse action can be taken against the restaurant license(s) for any violations of state or local law that stem from the private event, or for failure to obtain permission to host a private event. Adverse action may be taken against a licensed establishment acting as a liquor caterer who provides or serves alcohol at an establishment that is in violation of this chapter.

(Code 1956, § 308.02; C.F. No. 96-391, § 2, 5-8-96; C.F. No. 06-408, § 1, 5-24-06; C.F. No. 07-149, § 150, 3-28-07; C.F. No. 09-958, § 1, 10-7-09)

Sec. 409.02. - Definitions.

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

Catering permit shall mean that permit provided for in Minnesota Statutes, Section 340A.404, subdivision 12.

Club shall mean a corporation organized under the laws of the state for civic, fraternal, social or business purposes or for intellectual improvement or promotion of sports which has more than fifty (50) members and for more than a year owned, hired or leased a building or space in a building of such extent and character as may be suitable and adequate for the reasonable and comfortable accommodation of its members, and whose affairs and management are conducted by a board of directors, executive committee or other similar body chosen by the members at a meeting held for that purpose, none of whose members, officers, agents or employees are paid, directly or indirectly, any compensation by way of profit from the distribution or sale of beverages to the members of the club or to its guests beyond the amount of such reasonable salary or wage as may be fixed and voted each year by the directors or other governing body. A club shall also, in order to be licensed, meet the provisions of Minnesota Statutes, Section 340A.404, subdivision 1(4), which requires that the organization shall have been in existence for at least three (3) years, and liquor sales will be only to members and bona fide guests. The above term will include private clubs licensed under former Chapter 404 of this Code, so long as they meet the above requirements upon application for an on-sale license.

Creative enterprise zone entertainment district means that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of North Eustis Street with Wabash Avenue, Wabash Avenue to Vandalia Street, Vandalia Street to the train tracks, follow the train tracks South East to Cleveland Avenue North, Cleveland Avenue North across University Avenue West where it turns into Transfer Road to a point one (1) block due west across the train tracks from West Minnehaha Ave, from the point one (1) block due west across the train tracks from West Minnehaha Ave intersecting Transfer Road to the intersection of Prior Avenue North and West Minnehaha Avenue, Prior Avenue North to the intersection of Hewitt Avenue, from the intersection of Prior Avenue North and Hewitt Avenue due west to Transfer Road, Transfer Road south to Ellis Avenue, Ellis Avenue to Vandalia Street, Vandalia Street to Capp Road, Capp Road North West as it wraps around South to Wycliff Street continued on to the intersection of Wycliff Street and Hersey Street, Hersey Street to West Territorial Road, West Territorial Road to North Eustis Street, and then North Eustis Street to Wabash Avenue.

Downtown business district shall mean that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of Shepard Road with Chestnut Street, Chestnut Street to Interstate Freeway 35E, Interstate Freeway 35E to Tenth Street, Tenth Street to Interstate Freeway 94, Interstate Freeway 94 to Lafayette Bridge,

Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to Wabasha Bridge, Wabasha Bridge across the Mississippi River to the water line on the south bank of the river, thence in a westerly direction along the shore line to the point at which it intersects with "Line A," and then in a straight line across the Mississippi River to the intersection of Chestnut Street with Shepard Road. The location and legal description of "Line A" is indicated on the map attached hereto, and incorporated and adopted herein by reference.

Downtown entertainment district means that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of Shepard Road with Eagle Parkway, Eagle Parkway to Exchange Street, Exchange Street to N Walnut Street, North Walnut Street to Smith Avenue, Smith Avenue to N Chestnut Street, N Chestnut Street to Interstate Freeway 35E, Interstate Freeway 35E to Tenth Street, Tenth Street to Interstate Freeway 94, Interstate Freeway 94 to Lafayette Bridge, Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to Wabasha Bridge, Wabasha Bridge across the Mississippi River to the water line on the south bank of the river, thence in a westerly direction along the shore line to the point at which it intersects with "Line A," and then in a straight line across the Mississippi River to the intersection of Eagle Parkway with Shepard Road.

Exclusive liquor store shall mean an establishment used only for off sale and on sale sales of intoxicating liquor, except that, upon obtaining proper state or city licenses for such sales, cigars, cigarettes, all forms of tobacco and nonintoxicating malt beverages and soft drinks may also be sold in said exclusive liquor store at retail; provided, further, that such nonintoxicating malt beverages and soft drinks, when sold pursuant to an off sale liquor license, shall be sold for consumption off the premises only.

General food store shall mean any place of business carrying a stock of food supplies and primarily engaged in selling food and grocery supplies to the public.

Great lawn entertainment district means that portion of the City of Saint Paul lying within and bounded by the following streets: Starting at the northwest corner of the Northwest Gate of Allianz Field, moving north across Shields Avenue, following the western side of North Asbury Street across Spruce Tree Avenue to the northern most portion of the street. Following Spruce Tree Avenue East to the east side of Simpson Street, then south across Spruce Tree Avenue continuing along the eastern edge of Simpson Street until reaching the south side of Shields Avenue. From this corner, moving west across Simpson Street directly to the northeast corner of the Allianz Field Northeast Gate and following the northern border of the stadium to the northwest corner of the northwest gate.

Hotel shall mean an establishment with resident proprietor or manager, where, for payment, food and lodging are regularly furnished to transients, and which maintains, for use of its guests, no fewer than fifty (50) guest rooms with bedding and other suitable and necessary furnishings in each room, and which has a main entrance with suitable lobby, desk and office for the registration of guests on the ground floor and which employs an adequate staff to provide suitable and usual service, and which maintains, under the same management and control as the rest of the establishment and as an integral part thereof, a dining room with appropriate facilities for seating not less than thirty (30) guests at one (1) time, where the general public is, in consideration of payment, served with meals at tables, whose gross receipts from the sales of food and liquor are at least sixty (60) percent attributable to the sale of food during each and every calendar month, and having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment. A full service kitchen shall meet the definition of full service kitchen under the definition of restaurant below.

Intoxicating liquor or *liquor* shall mean and include ethyl alcohol, and any distilled, fermented, spirituous, vinous or malt liquid of any kind potable as a beverage, which contains an alcoholic content in excess of three and two-tenths (3.2) percent thereof by weight or four (4) percent by volume.

Licensee means any person holding a liquor license within an entertainment district.

Medicines shall mean and include only such potable liquids as prescribed by licensed physicians and dentists for therapeutic purposes and United States Pharmacopoeia and National Formulary preparations and preparations used for the mitigation of disease for external and internal purposes which are usually sold in drug stores and intended for therapeutic purposes and not for beverage purposes.

Off-sale shall mean the sale of liquor in original packages in retail stores for consumption off or away from the premises where sold.

Off-sale/brew pub shall mean a brewer licensed under Minn. Stat. § 340A.301, subd. 6(d) who sells malt liquor produced and packaged on the licensed premises for consumption off or away from the premises.

Off-sale brewery shall mean a brewer who manufactures fewer than 20,000 barrels of malt liquor in a year. The barrels intended for off sale must be produced and packaged on the licensed premises for consumption away from the premises in 64-ounce containers commonly known as growlers in accordance with Minn. Stat. § 340A.301.

Off-sale microdistillery shall mean a distiller of spirits licensed under Minn. Stat. § 340A.22. The distiller may not sell more than one (1) 375-milliliter bottle of sprits per day to any one (1) customer at off-sale. Such off-sale must be of spirits manufactured on-site only.

Off-sale wine only shall mean an off-sale license issued under section 409.29 of this Code.

On-sale shall mean the sale of liquor by the glass for consumption on the premises only.

Package or *original package* shall mean and include any container or receptacle holding liquor, which container or receptacle is corked or sealed.

Person shall include individuals, corporations, partnerships and associations.

Private nonprofit college shall mean a postsecondary institution of learning, not administered by a unit of government or operated for profit, which awards undergraduate or graduate degrees.

Restaurant shall mean:

(1) For establishments licensed to serve liquor at on-sale prior to February 1, 2016, an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, having appropriate facilities for the serving of meals for no fewer than fifty (50) guests at one (1) time, having a full service kitchen and a menu, offering meals and full menu service on a daily basis to at least 11:00 p.m. or to the closing time of the entire establishment, and whose gross receipts are at least sixty (60) percent attributable to the sale of food during each and every calendar month. A full service kitchen for the purpose of this chapter shall include at the least a cooking line with mechanical ventilation, having two (2) or more ovens and ranges; food preparation areas having sinks, cutting boards, and facilities and equipment for the preparation, holding at safe temperatures, and processing of food on site; refrigerators and/or coolers for the safe storage of food; and mechanical dishwashing facilities and equipment; all of the foregoing meeting the requirements of Chapter 331 of the Legislative Code and NSF International standards.

(2) For establishments first licensed to serve liquor at on-sale on February 1, 2016, or thereafter, an establishment other than a hotel, whose food and liquor services are under the control of a single proprietor or manager, serving food and beverages, meeting the definition in Minn. Stats. § 157.15, subd. 12, and classified as a high- or medium-risk establishment under Minn. Stats. § 157.20, subd. 2a, that meets the following additional criteria:

   a. Derives a substantial amount of its income from the sale of foods and non-alcoholic beverages.

   b. Has a full-service kitchen, including:

1. At least one (1) cooking line with required ventilation;
2. One (1) or more ovens and ranges, or other cooking equipment as approved by the director;
3. Food preparation areas having sinks;
4. Refrigerators and/or coolers for the safe storage of food;
5. All of the above elements meeting relevant NSF International standards.

c. Maintains all food- and health-related licenses and permits necessary to operate as a high or medium risk establishment as defined in Minn. Stats. § 157.20, subd. 2a.

d. Offers adequate interior seating for not less than thirty (30) guests at a time.

e. Prepares meals on-premises, which are served to guests seated at tables or other eating surfaces.

f. Only sells intoxicating liquors to patrons who are seated at an eating surface, unless the patron being served is on a bona fide waiting list for available seating.

g. Ends all food and beverage service no later than 12:00 a.m., and closes no later than 12:30 a.m.

h. Offers a menu including at least four (4) entrees, or as otherwise approved by the department.

i. Offers full menu service during all hours of operations, with the exception of the hour prior to closing.

j. Actively promotes food sales to all guests within the licensed premises of the restaurant during all hours of full menu service.

k. Maintains a kitchen open for meal service, which is appropriately staffed and supplied to fulfill orders from the menu in effect during all hours of full menu service.

l. Allows no greater than ten (10) percent of the area of the licensed premises to be used for entertainment purposes, including, but not limited to, dancing or musical performance.

m. Makes business records, including, but not limited to, federal and state tax returns, available for inspection by the Director or the Director's designee at all reasonable times.

The failure of a restaurant holding an on-sale liquor license to abide by the above criteria shall constitute grounds for adverse action against said license. Restaurants holding an on-sale liquor license prior to February 1, 2016, may elect to operate pursuant to the definition outlined in subsection (2), above, by notifying the department in writing. Any restaurant electing to operate pursuant to the definition outlined in subsection (2) may not subsequently elect to operate under the definition outlined in subsection (1).

Sale and *sell* shall mean and include all barters and all manner or means of furnishing intoxicating liquor or liquors in violation or evasion of law.

(Code 1956, § 308.01; Ord. No. 17676, § 1, 8-24-89; C.F. No. 95-795, § 5, 8-9-95; C.F. No. 95-28, § 1, 8-16-95; C.F. No. 96-391, § 1, 5-8-96; C.F. No. 97-604, § 1, 6-25-97; C.F. No. 03-693, § 1, 9-3-03; C.F. No. 06-822, § 1, 9-27-06; Ord. No. 11-55, § 1, 7-13-11; Ord. No. 12-11, § 1, 3-28-12; Ord 12-47, § 1, 9-12-12; Ord 14-2, 1-22-14; Ord 15-29, § 1, 5-27-15; Ord 15-61, § 1, 12-2-15; Ord 19-49, § 2, 8-7-19; Ord 19-79, § 1, 1-22-20)

Sec. 409.03. - Number of licenses.

(a) In the downtown business district, and in all commercial development districts as defined in section 17.07.1 of the City Charter, on-sale licenses shall be issued only to hotels, clubs, restaurants and establishments for the sale of on-sale liquors exclusively. In all other areas of the city, licenses shall be issued only to hotels, restaurants and private nonprofit colleges, provided however, that establishments holding licenses on August 16, 1995 shall not be affected

by this limitation, but shall be entitled to have such licenses renewed so long as they are in compliance with all other requirements of law and there exist no grounds for adverse actions against such licenses. Notwithstanding the foregoing, the following exceptions shall apply:

(1) A new license may be issued for a location in such other areas of the city if there had previously been an on-sale intoxicating liquor license issued for that location, unless:

a. The previous license had been revoked by the council for any reason other than nonpayment of license fees within the previous fifteen (15) years; or

b. The previous license had terminated or expired more than two (2) years before the new license had been first applied for; or

(2) An existing on-sale intoxicating liquor license may be allowed to move into another location in the city if the previous location of the license was acquired by purchase or condemnation by a public body having the power of eminent domain, and if the distance between the old and new locations is less than one-half (½) mile.

(b) Off-sale licenses shall be granted subject to the approval of the liquor control commissioner only to proprietors of exclusive liquor stores, and but one (1) such license shall be issued for every five thousand (5,000) inhabitants in the city.

(c) Notwithstanding any other provision of law to the contrary, the city shall not issue any on-sale intoxicating liquor licenses in excess of two hundred (200). This limitation shall not apply to on-sale intoxicating liquor licenses issued to restaurants, as defined in section 409.03 of the Legislative Code.

(d) Consumption and display permits, as set forth in Minn. Stats. § 340A.414, shall not be issued within the city.

(Code 1956, § 308.06; Ord. No. 17172, 10-23-84; Ord. No. 17570, § 1, 6-23-88; C.F. No. 95-28, § 2, 8-16-95; C.F. No. 06-1070, § 1, 12-27-06; C.F. No. 09-479, § 1, 5-27-09; Ord. No. 11-55, § 2, 7-13-11; Ord 15-73, § 1, 12-9-15; Ord 16-2, § 1, 2-24-16)

Sec. 409.04. - Exceptions.

This chapter shall not be construed to prohibit the sale of wine for sacramental purposes by any person duly licensed by the state liquor control commissioner so to do; nor shall this chapter be construed to prohibit the sale of medicines as herein defined; nor of industrial alcohol designed for mechanical, chemical, scientific, pharmaceutical or industrial purposes; nor to compounds or preparations containing alcohol, if such compounds or preparations are not potable as a beverage; nor shall it be construed to prohibit the sale of intoxicating liquor for medicinal purposes by a duly licensed and registered pharmacist or druggist upon bona fide prescription, in writing, by a physician or dentist.

(Code 1956, § 308.22)

Sec. 409.05. - On- and off-sale licenses; term; fees.

(a) *Term.* All licenses for the sale of intoxicating liquor shall be for a term of one (1) year from the date of issuance or renewal, except as provided herein. The date shall be determined by the inspector and entered upon the license. In 1990 and 1991, the inspector is hereby authorized and empowered to stagger such license renewal dates administratively, employing a system for random extension of individual licenses on a one-time only basis so that the work load of the license and permit administration on such licenses is spread more or less equally over a twelve-month period.

(b) *License fees, on-sale; semiannual installments.* The fees required for licenses shall be established by ordinance as specified in section 310.09(b) of the Legislative Code. Said sum shall be paid in two (2) equal amounts, the first to be paid before the license is issued or renewed, the second payment to be made within six (6) months from the date of

issuance or renewal.

(c) *On-sale license; replacement after revocation.* If, for any reason, the on-sale license in this chapter provided for is revoked by the council of the City of Saint Paul, no replacement license shall be issued until the full license fee for the new license due for the remainder of the license year is first paid; provided, however, that in no event shall a licensee pay less than the applicable annual license fee together with the applicable issuance tax for a license, or combination of licenses, during a license year.

(d) *Increase in on-sale license fee; notice to licensees.* The license inspector is hereby directed to notify in writing via U.S. mail all on-sale licensees of the public hearing date for council consideration of any amendments to this section increasing the license fees. At said public hearing, the department of safety and inspections shall present evidence to the council showing the relationship between the proposed fee increase and the costs borne by the city for liquor-related regulating and policing.

(e) *Late fees.* Notwithstanding the provisions of section 310.09, an applicant for renewal of an on-sale liquor license shall be charged a late fee in an amount of ten (10) percent of the installment due for such license for each thirty-day period or portion thereof which had elapsed after the expiration date of such license or semiannual period, and the late fee shall not exceed fifty (50) percent of the annual life.

(f) *Annual license fees for clubs and private clubs.* The annual license fee for a club and a private club shall be in conformity with Minnesota Statutes, Section 340.408, subdivision 2(b).

(g) *License fee, gambling locations.* The license fee for lawful gambling locations shall be as provided in section 310.09(b) of the Legislative Code.

(h) *Application with family members.* Notwithstanding subsection (a) of this section, where an existing on-sale intoxicating liquor license holder makes application for a new on-sale license for the same location together with one (1) or more family members as additional license holders, the term of the new license shall coincide with the end of the existing license and end on the same date. No additional license fee for the new license shall be paid for the remainder of the term of the existing license, so long as the license fees for the existing license are fully paid. The normal license fee must be paid in any case for the remainder of the term of the existing license. Each additional family member becoming a license holder shall fill out an application form for purposes of the background investigation by the license division, and provide such other information as may reasonably be required by the license division, and shall pay a fee of with the application in an amount as set forth in section 310.18 of the Saint Paul Legislative Code. The term "family members," for the purpose of this subsection shall include parents, children, grandchildren, brothers and sisters, together with the spouses of such parents, children, grandchildren, brothers and sisters.

(i) *Fee waived for government agencies.* The fee for any license under Chapter 409 shall be waived for any license to and used by a division or department of the city.

(Code 1956, § 308.17; Ord. No. 16842, 10-20-81; Ord. No. 17321, § 1, 12-31-85; Ord. No. 17328, § 1, 1-23-86; Ord. No. 17424, §§ 1, 2, 1-6-87; Ord. No. 17676, § 2, 8-24-89; Ord. No. 17789, § 1, 11-20-90; Ord. No. 17818, § 1, 4-11-91; Ord. No. 17918, § 1, 3-31-92; C.F. No. 95-478, § 1, 5-31-95; C.F. No. 99-526, § 1, 7-7-99; C.F. No. 03-128, § 1, 3-5-03; C.F. No. 04-188, § 1, 3-3-04; C.F. No. 07-149, § 151, 3-28-07)

Sec. 409.06. - Licensing requirements.

(a) *Application.* Any person desiring a license to sell intoxicating liquor shall make his verified application in writing upon a form approved by the liquor control commissioner of the state and shall file the same with the inspector. Such application form shall require that the following information be set forth upon the application, and such further

information as may be required:

(1) The name and place of residence of the applicant.

(2) The location of the premises upon which the applicant proposes to sell such liquor and an exact description, including the proposed floor plan and seating capacity, of the particular place within the building structure where such sales are proposed.

(3) Whether the applicant has ever been engaged in a similar business and, if so, the location thereof and the date when so engaged. The application shall be signed and verified by the applicant in person and, if the applicant is a corporation, by an officer of the corporation.

(4) Whether applicant has ever used or been known by a name other than his true name; and if so, what was such name or names and information concerning dates and places where used.

(5) Street addresses at which applicant and present spouse have lived during the preceding ten (10) years.

(6) Kind, name and location of every business or occupation applicant has been engaged in during the preceding ten (10) years.

(7) Names and addresses of applicant's employers and partners, if any, for the preceding ten (10) years.

(8) Whether applicant has ever been convicted of any felony, crime or violation of any ordinance other than traffic. If so, the applicant shall furnish information as to time, place and offense for which convictions were had. The inspector and council shall not make use of any conviction or criminal record not available for lawful use under Minnesota Statutes, Chapter 364.

(9) Whether applicant has ever been engaged as an employee of or in operating a saloon, hotel, restaurant, cafe, tavern or other business of similar nature. If so, applicant shall furnish information as to the time, place and length of time.

(10) If the applicant is a partnership, the names and addresses of all partners and all information concerning each partner as is required of a single applicant. A managing partner or partners shall be designated. The interest of each partner in the business shall be disclosed. A true copy of the partnership agreement shall be submitted with the application; and if the partnership is required to file a certificate as to a trade name under the provisions of Chapter 333, Minnesota Statutes, a copy of such certificate certified by the clerk of district court shall be attached to the application.

(11) If the applicant is a corporation or other organization and is applying for an on-sale or off-sale license, the following:

a. Name, and if incorporated, the state of incorporation.

b. A true copy of certificate of incorporation, articles of incorporation, or association agreement and bylaws; and if a foreign corporation, a certificate of authority as described in Chapter 303, Minnesota Statutes.

c. The name of the manager or proprietor or other agent in charge of the premises to be licensed, the assistant manager(s), the food manager(s), and the beverage manager(s), giving all the information about said person(s) as is required of a single applicant in subparagraph (3) of this section.

d. The application shall contain a list of all persons who, singly or together with any other person, own or control an interest in said corporation or association in excess of five (5) percent or who are officers of said corporation or association, together with their addresses and all information as is required of a single applicant, except that applications for off-sale shall list all persons who own or control any interest in said corporation.

(12) Reserved.

(13) A copy of the Minnesota buyer's card or application therefor, and a copy of the federal retail dealer tax stamp or ap therefor, received or submitted by the applicant.

(14) The amount of the investment that the applicant has in the business, building, premises, fixtures, furniture, stock-in-trade, and any other asset, and proof of the source of such money.

(15) The names and addresses of all persons, other than the applicant, who have any financial interest in the business, buildings, premises, fixtures, furniture and stock-in-trade; the nature of such interest, amount thereof, terms for payment or other reimbursement. This shall include, but not be limited to, any lessees, mortgagees, mortgagors, lenders, lien holders, trustees, trustors and persons who have cosigned notes or otherwise loaned, pledged or extended security for any indebtedness of the applicant.

(16) Whether or not all real estate and personal property taxes for the premises to be licensed that are due and payable have been paid, and if not paid, the years and amounts which are unpaid.

The applicant shall file with the inspector, with his application, the amount of the license fee herein fixed for the particular license for which he makes application.

(b) *Investigation; issuance; etc.* The license inspector shall register the application in books kept for that purpose, one (1) for on-sale licenses and one (1) for off-sale licenses. He or she shall notify immediately the chief of police and the chief of the department of fire and safety services of the fact that such application is filed. It is hereby made the duty of the license inspector, the chief of police and the fire chief to inspect and examine or have inspected and examined the premises described in the application and inquire into the character of the applicant and make report to the inspector of their opinion, whether the applicant is a proper person to receive such a license and whether the premises are suitable for such a business. Upon receipt of the reports, the inspector shall examine them and transmit them to the city council, together with his or her recommendations respecting the applicant or the place of business. Upon receipt of such reports and recommendations, the council shall consider the same and shall, by resolution, grant or deny the application.

Where the application is for an off-sale liquor license and the applicant is the holder of an on-sale nonintoxicating malt liquor license heretofore issued by the city council to sell such nonintoxicating malt liquor for consumption on the premises, the council shall not grant such off-sale liquor license until the applicant surrenders his license to sell nonintoxicating malt liquor for consumption on the premises. If an off-sale license is granted, the resolution granting it shall direct the inspector to issue the license whenever the bond hereinafter provided for has been approved and the liquor control commissioner advises the inspector that he approves of the issuance of the license to the particular applicant. If an on-sale license is granted, such resolution shall direct the inspector to issue the same whenever the bond hereinafter provided for has been approved.

Should the application for a license not be granted, the resolution refusing the same shall authorize and direct the proper city officers to refund to the applicant the deposit made at the time of the filing of the application.

(c) *License qualifications.* No license shall be issued to anyone other than a person twenty-one (21) years of age or older, of good moral character and repute, nor, consistent with and subject to Minnesota Statutes, Chapter 364, to any person convicted of any federal, state or local crime or offense involving the manufacture, sale, distribution or possession for sale or distribution of intoxicating liquor, or of any crime under Minnesota Statutes, Section 152.09, Subdivisions 1(1), 1(3) and 2, or of any crime usable under Minnesota Statutes, Chapter 364, which directly relates to the occupation or business for which the license is sought.

(d) *Public hearing; notices.* No new license for either on-sale or off-sale shall be issued without a public hearing on the application. The notification requirements applicable to license transfers or change in licensed areas in section 409.11 shall be applicable in the issuance of such new licenses; provided, however, that such notice requirements

may be waived by the city council by motion on the affirmative vote of five (5) members upon the following findings:

(1) That the application is in order and there exist no grounds for denial of the license;

(2) That the citizens' district council whose geographical area encompasses the proposed licensed premises consents to the waiver;

(3) That failure to grant the waiver, with the consequent delay in approving the license, would either cause exceptional and unusual hardship to the license applicant or would cause substantial hardships to the community for which the license is sought; and

(4) Agreement by the licensee that all licensed operations may be immediately discontinued, waiving all requirements of further notice and hearing, in the event of a directive from the department of safety and inspections as provided hereinbelow.

In any case in which the forty-five-day notice period has been waived, if the department of safety and inspections receives a complaint prior to the date the public hearing was originally scheduled or would have been scheduled, the said department shall immediately investigate the claim and recommend an appropriate course of action to the city council. If the complaint provides a basis for adverse action against the license, the said department shall direct that the licensee immediately discontinue all operations, and shall reschedule the public hearing before the city council or initiate an adverse action.

(e) *One license only.* Not more than one (1) off-sale retailer's license shall be directly or indirectly issued to any one (1) person or for any one (1) place in this city, nor shall any retailer's off-sale license be directly or indirectly issued for any place for which a license of another class has been granted. It shall not be a violation of this paragraph for a person who owns, directly or indirectly, or who has an interest in any intoxicating liquor license in this city additionally to own directly or indirectly or to have an interest in one (1) or more corporations owning or operating a hotel holding an intoxicating liquor license in connection therewith; provided, that such hotel shall have at least one hundred fifty (150) or more rental units.

(f) *Premises of license.* No on-sale or off-sale license shall be effective beyond the compact and contiguous space named in such license and for which the same was granted, except that an on-sale license granted for sales in the dining room of any hotel may permit sales of liquor with meals in additional dining rooms open to the public and specified in the license if meals are regularly served to guests therein. If meals are regularly served to guests in guest rooms in any such hotel, liquor may be sold in such guest rooms but only with meals; provided, that such guest rooms must be specified in the license granted. No sales shall be made upon the premises of an on-sale licensee except upon the ground floor; provided, however, that this limitation shall not apply to a hotel duly licensed to sell on another floor as in this section provided; and provided further, that a licensee shall be permitted to sell at a place in a building other than the ground floor if a license has been granted for sales on a floor other than such ground floor. Licenses granted to a private nonprofit college need not be compact and contiguous as long as the space described is on the premises of the private nonprofit college. All licenses granted hereunder shall set forth the exact location within the building structure where such sales may be made and no sale shall be permitted except in that part of the premises defined in the license, except as provided in the following subsection (g).

(g) *Seasonal outside service areas.* The council may, by resolution, permit any licensee to sell or serve intoxicating liquors in areas outside the building structure on public or private property which are compact and contiguous with the structure containing the licensed premises. Property which is not connected to the licensed premises cannot be used as an outside service area if it is located across a right of way such as a street or alley; however curbside searing may be allowed at a sidewalk café subject to the restrictions of Chapter 106 of the Saint Paul Legislative Code. Such

outside service areas shall be seasonal, and shall not involve an enlargement of the building structure. The seasonal outside service area license shall not be granted unless all the conditions of subsections (1) through (9) and all pertinent provisions of the zoning code are satisfied.

(1) *Public hearing; notices.* No seasonal outside service area license shall be issued without a public hearing on the application. The notification and hearing requirements applicable to license transfers or change in licensed areas in section 409.11 shall be applicable in the issuance of such seasonal outside service area licenses; provided, however, that the license may be issued prior to the expiration of the forty-five (45) days and the public hearing may be waived by the city council by motion on the affirmative vote of five (5) members upon the following findings (in addition to the findings that may be required under paragraph 2 below):

a. That the application is in order and there exist no grounds for denial of the license;

b. That the citizens' district council whose geographical area encompasses the proposed licensed premises consents to the waiver;

c. That failure to grant the waiver, with the consequent delay in approving the license, would either cause exceptional and unusual hardship to the license applicant or would cause substantial hardships to the community for which the license is sought; and

d. Agreement by the licensee that all licensed operations may be immediately discontinued, waiving all requirements of further notice and hearing, in the event of a directive from the department of safety and inspections as provided hereinbelow.

In any case in which the forty-five-day notice period has been waived, if the department of safety and inspections receives a complaint prior to the date the public hearing was originally scheduled or would have been scheduled, the said department shall immediately investigate the claim and recommend an appropriate course of action to the city council. If the complaint provides a basis for adverse action against the license, the said department shall direct that the licensee immediately discontinue all operations, and shall reschedule the public hearing before the city council or initiate an adverse action.

(2) *Consent of neighboring property:*

a. *Consent of ninety (90) percent of owners within three hundred (300) feet:* The applicant shall present with his or her application a statement in writing with the signatures of as many of the owners of private residences, dwellings and apartment houses located within three hundred (300) feet of such premises as he or she can obtain to the effect that they have no objection to the granting of the license sought at the location proposed. Measurement shall be determined from property line of the licensed premises to the property line of the residential uses; provide, however, that where the licensed premises is located within a shopping mall or shopping center the measurements shall be determined from the nearest corner of the building in which the licensed premises is located to the property line of the residential uses.

b. *Consent of sixty (60) to eighty-nine (89) percent of owners within three hundred feet:* If the applicant obtains the signatures of ninety (90) percent or more of such persons, the council may grant the license. If the applicant obtains the signatures of sixty (60) percent to eighty-nine (89) percent of such persons, the council may grant the license if the licensee demonstrates to the council in writing with respect to specific properties that a good faith effort was made to fulfill all petition requirements, and upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community. Such findings shall be based on the following considerations if the license were to be granted:

1. The effect on the surrounding community and institutions;

2. Noise and likelihood of adverse effect on residential occupants;
3. The possibility of increased traffic;
4. The character of the neighborhood;
5. Other like uses in the neighborhood.

c. *Consent of less than sixty (60) percent of owners within three hundred (300) feet.* If the applicant fails to obtain the signatures of sixty (60) percent of such persons, the license shall not in any case be granted, unless the license applicant can illustrate to the city council, in writing with respect to specific properties, that a good faith effort was made to fulfill all petition requirements, and that the results of such attempts showed a generally favorable disposition from the surrounding community toward the proposed licensed activity, and that the district council representing the area supports the request for the license by the applicant. The council may grant the license upon finding that issuance of the license would not interfere with the reasonable use and enjoyment of neighboring property and residences and would not bear adversely on the health, safety, morals and general welfare of the community. Such findings shall be based on the following considerations if the license were to be granted:

1. The effect on the surrounding community and institutions;
2. Noise and likelihood of adverse effect on residential occupants;
3. The possibility of increased traffic;
4. The character of the neighborhood;
5. Other like uses in the neighborhood.

(3) Off-street parking spaces may not be reduced by the establishment of an outside service area below the number of off-street parking spaces which would be required if the licensed premises together with the outside service area were to be newly constructed in conformity with the zoning code; provided, however, that this requirement may be modified by the council by resolution in accordance with the procedures and substantive criteria provided in section 409.08(11)e of this legislative code.

(4) No outside service area shall be permitted unless the licensee provides, in addition to other requirements of law, safety barriers or other enclosures to protect patrons from any hazards, including vehicular traffic.

(5) No outside service area shall be located on public property or upon any street, alley or sidewalk, nor shall such outside service areas hinder or obstruct vehicular or pedestrian traffic on any street, alley or sidewalk. Notwithstanding the foregoing, the sale and service of alcoholic beverages within a sidewalk cafe by a food establishment which is licensed as a restaurant under chapter 331A of the Legislative Code and which is in compliance with the provisions of section 106.01 of the Legislative Code, is permitted.

(6) The council may deny any application for an outside service area where it has reason to believe, or may revoke its permission for such an outside service area where it is satisfied, that the impact of such outside service area on adjoining property will be, or has been, any of the following:

a. Loud, boisterous or disturbing noise levels;
b. Hazardous traffic conditions;
c. Offensive, obnoxious or disturbing odors;
d. Excessive litter;
e. Excessive artificial lighting;
f. Substantial decrease in adjoining property values; or
g. Any other condition inconsistent with the reasonable use and enjoyment of adjoining property and

inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community.

(7) Permission to sell and serve intoxicating liquor in or upon any outside service area may be revoked by the council on three (3) days' notice to the licensee, pursuant to information received at a public hearing before said council. The information need not be received under oath, but must reasonably satisfy the council as to the existence of any or all of the conditions listed in subparagraph (5). The public hearing shall be conducted with such formal or informal procedures as the council may permit, so long as the licensee and any complaining parties have an opportunity to be heard.

(8) The licensee shall, with respect to any outside service area, comply with all applicable provisions of law and regulations in regard to the sale and service of intoxicating liquor, including, without limitation by reason of this specification, all applicable regulations contained in sections 409.08 and 409.09 of this chapter.

(9) *Private nonprofit colleges.* Private nonprofit colleges may sell or serve intoxicating liquors in areas outside of building structures as long as said areas are clearly described in the application materials submitted under section 409.06(a)(2). Such areas are exempt from the additional public hearing and consent process described in section 409(g), subdivisions 1 and 2.

(h) *Zoning restrictions.* No license shall be issued for premises located within an area wherein such use of the premises is prohibited by the zoning code, nor within an area where such sales are forbidden by the state law or any other ordinance of the city. A license issued to a private nonprofit college shall not be issued for premises located within an area where such sales are prohibited by state law.

(i) *License location restrictions.* These restrictions shall not apply to off-sale/brew pub license, off-sale brewery licenses, or off-sale microdistillery licenses.

(1) No off-sale license shall be issued for any place where nonintoxicating malt beverages shall be sold for consumption on the premises.

(2) No off-sale license shall be issued to any location within a half-mile radius of any existing off-sale establishment, subject to the following exceptions:

a. In the downtown business district, the distance restriction shall be reduced to a radius of three hundred (300) feet.

b. For off-sale liquor establishments outside of the downtown business district that were licensed prior to January 15, 2003, the council may waive the half-mile distance restrictions provided that council finds by resolution that:

1. The off-sale liquor establishment is relocating to a location that is within one-half (½) mile radius of its current location; and

2. The relocation of the off-sale liquor establishment is related to hardship or circumstances outside of the licensee's control; and

3. The new location of the off-sale liquor establishment meets the intent of the ordinance in preventing the over-concentration of off-sale liquor establishments; and

4. The new location of the off-sale liquor establishment is not inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community. Factors which may be considered include, but are not limited to the following: the likelihood of increased noise, traffic, litter, loitering or unlawful behavior by patrons of the establishment, excessive artificial lighting, substantial decrease in adjoining property values, and the extent to which any of the potential problems can be addressed by conditions on the license.

(3) No license shall be issued for an off-sale location which is within three hundred (300) feet of residentially zoned

property, a park or a licensed child-care center, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the off-sale liquor license to the property line of any residentially zoned property, park or child care center in the area for which the license is sought.

a. The council may waive the restrictions set forth in paragraph (3) above relating to distance if it makes findings that such a license is not inconsistent with the health, safety, morals and general welfare of the adjoining neighbors or community. Factors which may be considered include, but are not limited to the following: the likelihood of increased noise, traffic, litter, loitering or unlawful behavior by patrons of the establishment, excessive artificial lighting, substantial decrease in adjoining property values, and the extent to which any of the potential problems can be addressed by conditions on the license.

b. In order to waive the restrictions relating to distance the council must first receive a petition from seventy-five (75) percent of the owners and tenants of all private residences, dwellings and apartment houses located within three hundred (300) feet of the proposed off-sale location stating that they have no objection if the waiver relates to residentially zoned property or a written statement consenting to the waiver by the director and/or owner of the child care center if the waiver relates to a licensed child care center.

c. An establishment holding a valid license on the effective date of this amendment shall not be affected by this limitation, but shall be entitled to have such license renewed so long as they are in compliance with all other requirements of law and there exist no grounds for adverse action against such license.

(j) *Other required permit.* No license granted hereunder shall be effective until a permit shall be issued to such licensee by the United States if any such permit is, in fact, required.

(k) *State restrictions.* No license shall be issued to any person in connection with the premises of another to whom no license could be issued under the provisions of the state liquor control act; provided, however, that this provision shall not prevent the granting of a license to a proper lessee by reason of the fact that he shall lease premises of a minor, noncitizen or a person who has been convicted of a crime other than a violation of this chapter or the liquor control act.

(l) *Reserved.*

(m) *Renewals.*

(1) An on-sale license renewal may be denied for any licensee who is delinquent in any payment or contribution to a health and welfare trust or pension trust.

(2) If on or before the expiration of the license the licensed business has discontinued its operation or closed for any reason, the council shall renew said license only upon the condition that the licensee shall reopen and restore the licensed business to full operation within the terms of the renewed license, or in the alternative, that the licensee shall make application for and obtain passage, approval and publication of a resolution for the transfer of said license within the term of the renewed license to another person. No license issued upon condition pursuant to this subsection shall be further renewed unless one (1) or the other of the above conditions has been fully met; provided, however, that the council may reissue a license for a business which has not been in full operation during the prior license year if the licensed premises were acquired by eminent domain or under the threat of eminent domain and the licensee has made a good faith attempt to relocate the business to another location.

(3) Any license which is not renewed pursuant to this paragraph (m) or for any other reason lapses and may be reissued pursuant to section 409.16.

(n) License near school. No license may be issued for any premises located within three hundred (300) feet from any

school, said three hundred (300) feet being calculated and computed as the distance measured from the property line of the premises or building proposed as the location for the liquor license to the property line of any school in the area for which the license is sought. This prohibition shall not apply to on-sale wine and culinary licenses issued under section 409.15, off-sale brewer licenses issued under Minn. Stat., § 340A.301, subdivision 6(d), brewer taproom licenses issued under section 409.28, a license issued to a private nonprofit college, or licenses issued or located within the Downtown Business District.

Any licenses in force and effect on November 10, 1962, the location of which license is in conflict with the provisions hereof, may be renewed, transferred or otherwise dealt with in accordance with law, it being the intent of this paragraph that it be applied prospectively for proposed locations of licenses, and further it being the intent of this paragraph that the limitations set forth in this paragraph shall in no manner be applicable to any hotel or motel.

Upon written petition signed on behalf of a school, located within three hundred (300) feet of the proposed location of the license, the council may by a five-sevenths vote disregard the provisions of this paragraph insofar as location adjacent to a school.

(o) *Unlawful use of weapons.* If during any twelve-month period there are reported two (2) or more incidents involving unlawful use or handling of firearms, assault weapons or knives, as defined in section 225.01, on any licensed on-sale premises, a public hearing shall be conducted by the council. Any adverse action may be considered by the council pursuant to the hearing provisions of section 310.05.

(p) *Prohibited interests.* A holder of a license as a manufacturer, brewer or wholesaler may not have any interest or ownership, in whole or in part in a business holding a retail intoxicating liquor license or in the license so held, but a manufacturer or wholesaler of intoxicating or nonintoxicating liquor may use or have property rented for retail intoxicating liquor sales if the manufacturer or wholesaler has owned the property continuously since November 1, 1933. This provision shall not apply to off-sale/brew pub licenses or off-sale brewery licenses.

(q) *Prohibited interests: off-sale/brew pub, off sale brewery.* A brewer holding an off-sale/brew pub or off-sale brewery license may hold or have an interest in other retail on-sale licenses, but may not have an ownership interest in whole or in part, or be an officer, director, agent, or employee of, any other manufacturer, brewer, importer, or wholesaler or be an affiliate thereof whether the affiliation is corporate or by management, direction, or control. Notwithstanding this prohibition, a brewer holding an off-sale/brew pub or off-sale brewery license may be an affiliate or subsidiary company of a brewery licensed in Minnesota or elsewhere if that brewer(s only manufacture of malt liquor is:

(1) Manufacture licensed under Minn. Stat. § 340A.301, subd. 6, clause (d);

(2) Manufacture in another state for consumption exclusively in a restaurant located in the place of manufacture; or

(3) Manufacture in another state for consumption primarily in a restaurant located in or immediately adjacent to the place of manufacture if the brewer was licensed under Minn. Stat. § 340A.301, subd. 6, clause (d), on January 1, 1995. Except as provided in Minn. Stat. § 340A.301, subd. 7a, no brewer as defined in Minn. Stat. § 340A.304, subd. 7a or importer may have any interest, in whole or in part, directly or indirectly in the license, business, assets, or corporate stock of a licensed malt liquor wholesaler.

(r) *Interest.* For the purposes of paragraphs (p) and (q) of this section, the term "interest":

(1) Includes any pecuniary interest in the ownership, operation, management or profits of a retail liquor establishment, and a person who receives money from time to time directly or indirectly from a licensee, in the absence of consideration and excluding gifts or donations, has a pecuniary interest in the retail license; and

(2) Does not include loans, rental agreements; open accounts or other obligations held with or without security arising out of the ordinary and regular course of business of selling or leasing merchandise, fixtures, supplies to

the establishment; an interest in a corporation owning or operating a hotel but having at least one hundred fifty (150) or more rental units holding a liquor license in conjunction therewith; or ten (10) percent or less interest in any other corporation holding a license; and

(3) In determining whether an "interest" exists, the transaction must have been bona fide and the reasonable value of the goods and things received as consideration for a payment by the licensee and all other facts reasonably tending to prove or disprove the existence of a purposeful scheme or arrangement to evade the restrictions of this paragraph must be considered.

(s) *Nonconforming clubs; transition.* The restrictions and requirements in sections 409.06(h), 409.06(n), and 409.08(11) of this chapter shall not apply to licenses issued to a club under this chapter which at the time of application for an on-sale license held a private club license under former chapter 404 of this Code for the same premises for which a license hereunder is sought or will be issued, for so long as the on-sale license remains at that location and the licensed premises is neither enlarged nor transferred. Such licensed premises will be deemed a lawful nonconforming use under the zoning code.

(Code 1956, §§ 308.03, 308.05, 308.07—308.11, 308.13, 308.15, 308.19, 308.26, 308.34; Ord. No. 17172, 10-23-84; Ord. No. 17173, 10-23-84; Ord. No. 17177, 10-23-84; Ord. No. 17229, § 1, 4-18-85; Ord. No. 17247, § 1, 6-6-85; Ord. No. 17289, § 1, 9-10-85; Ord. No. 17318, § 1, 12-24-85; Ord. No. 17328, § 2, 1-23-86; Ord. No. 17551, § 4, 4-19-88; Ord. No. 17562, § 1, 5-17-88; Ord. No. 17563, § 1, 5-17-88; Ord. No. 17631, § 1, 2-7-89; Ord. No. 17657, § 1, 6-8-89; Ord. No. 17676, § 5, 8-24-89; Ord. No. 17704, § 2, 1-16-90; C.F. No. 92-899, § 1, 7-9-92; C.F. No. 94-1033, § 2, 9-14-94; C.F. No. 94-1561, § 1, 11-16-94; C.F. No. 94-1563, § 1, 11-16-94; C.F. No. 95-478, § 2, 5-31-95; C.F. No. 94-1610, § 1, 6-7-95; C.F. No. 95-795, § 2, 8-9-95; C.F. No. 95-28, § 3, 8-16-95; C.F. No. 96-392, § 1, 5-8-96; C.F. No. 96-1116, § 1, 11-27-96; C.F. No. 98-92, § 1, 3-4-98; C.F. No. 00-971, § 1, 11-8-00; C.F. No. 02-1025, § 1, 11-27-02; C.F. No. 03-372, § 1, 5-7-03; C.F. No. 04-521, § 1, 7-7-04; C.F. No. 04-584, § 1, 7-7-04; C.F. No. 06-753, § 1, 9-13-06; C.F. No. 06-822, § 2, 9-27-06; C.F. No. 07-149, § 152, 3-28-07; C.F. No. 08-461, § 1, 6-4-08; C.F. No. 10-855, § 1, 8-25-10; Ord. No. 11-55, § 3, 7-13-11; Ord. No. 11-108, § 2, 11-9-11; Ord. No. 12-11, § 2, 3-28-12; Ord 13-5, § 1, 2-13-13; Ord 13-35, § 1, 6-26-13; Ord 15-29, § 3, 5-27-15; Ord 15-76, § 1, 12-9-15; Ord 18-22, § 1, 6-13-18; Ord 19-21, § 1, 4-17-19)

Cross reference— Licensing requirements for establishments selling nonintoxicating malt liquors, § 410.03.

Sec. 409.065. - Insurance requirements.

No license under this chapter may be issued, maintained or renewed unless the licensee or applicant therefor complies with the insurance requirements imposed by Minn. Stat. § 340A.409. Such insurance coverage shall comply with the requirements of Minn. Stat. § 340A.409 and Chapters 7 and 8 of this Legislative Code.

(Ord. No. 17796, § 1, 12-13-90; C.F. No. 99-730, § 1, 8-25-99)

Sec. 409.07. - Hours of sale; Sunday sales, etc.

(a) On-sale hours of sale.

(1) *Intoxicating liquor on-sale.* No sale of intoxicating liquor shall be made after 1:00 a.m. on Sunday nor until 8:00 a.m. on Monday. No on-sale shall be made between the hours of 1:00 a.m. and 8:00 a.m. on any weekday.

(2) *Sales after 1:00 a.m.* Establishments holding only on-sale wine and/or on-sale malt liquor licenses shall not be eligible to sell wine and/or malt liquor after 1:00 a.m. An establishment holding on-sale licenses other than on-sale wine and/or on-sale malt which has received a permit from the state which authorizes sale of intoxicating liquor or three and two-tenths (3.2) percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. may make such sales if it has provided a copy of the permit to the director of the department of safety and

inspections. An establishment holding only on-sale wine and/or on-sale malt liquor licenses which also has a state 2:00 a.m. permit on January 1, 2009 may continue to make such sales until 2:00 a.m. unless or until the on-sale wine and/or on-sale malt liquor license is discontinued for any reason.

(b) *Off-sale hours of sale.* No off-sale shall be made before 8:00 a.m. or after 10:00 p.m. Monday through Saturday. No off-sale shall be made before 11:00 a.m. or after 6:00 p.m. on Sunday. No off-sale shall be made on Thanksgiving Day or Christmas Day, December 25, or after 8:00 p.m. on Christmas Eve, December 24.

(c) *Sunday sales.*

(1) Notwithstanding the provisions of paragraph (a), establishments to which on-sale licenses have been issued or hereafter may be issued for the sale of intoxicating liquors which are hotels or restaurants and which have facilities for serving no fewer than fifty (50) guests at one (1) time may serve intoxicating liquors between the hours of 8:00 a.m. on Sundays and 1:00 a.m. on Monday in conjunction with the serving of food, but no liquor shall be served on Sundays other than to persons who are seated at tables; provided, that the licensed establishment is in conformance with the Minnesota Clean Indoor Air Act. Notwithstanding the foregoing, an establishment with has received a permit from the state which authorizes sale of intoxicating liquor or 3.2 percent malt liquor on-sale between the hours of 1:00 a.m. and 2:00 a.m. may make such sales if it has provided a copy of the permit to the director of the department of safety and inspections.

(2) Notwithstanding the provisions of paragraph (a), establishments to which brewer taproom licenses have been issued or may hereafter be issued, and that have obtained a special license as set forth in subparagraph (3), may serve malt liquor between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Monday.

(3) It is unlawful for any such establishment, directly or indirectly, to sell or serve intoxicating liquors as provided in subparagraph (1) or (2) above without having first obtained a special license therefor. Such special license may be issued by the council for a period of one (1) year and for which the fee shall be two hundred dollars ($200.00). Application for said special license shall be made to the council in the same manner as application for other licenses to sell intoxicating liquor are made.

(4) Private nonprofit colleges which have obtained an on-sale license may serve intoxicating liquors between the hours of 10:00 a.m. on Sundays and 1:00 a.m. on Monday to patrons attending events at the private nonprofit college.

(5) An off-sale brewery may sell growlers, as defined in section 409.08 (18), at off-sale between the hours of 8:00 a.m. and 8:00 p.m. on Sundays.

(d) *No consumption or display when prohibited.* No person shall consume or display or allow consumption or display of liquor upon the premises of an on-sale licensee at any time when the sale of such liquor is not permitted.

(e) *Private office parties.* Notwithstanding any other provision of the Legislative Code, the license holder of premises having an on-sale license may once a year have a private party at no charge to the guests after the lawful closing hours; provided, that a written request for said party is submitted to the license inspector thirty (30) days prior to the proposed date of the party; and provided further, that no sales as defined by law of intoxicating liquors or nonintoxicating malt liquor shall be made at or during said party. The inspector shall notify the chief of police of the date of each proposed party.

(Code 1956, § 308.20; Ord. No. 16815, 7-23-81; Ord. No. 17037, 6-30-83; Ord. No. 17162, 9-27-84; Ord. No. 17693, § 2, 11-7-89; Ord. No. 17829, § 1, 5-14-91; Ord. No. 17897, § 1, 12-10-91; C.F. No. 95-478, § 3, 5-31-95; C.F. No. 03-554, § 1, 7-7-03; C.F. No. 07-149, § 153, 3-28-07; C.F. No. 08-607, § 1, 6-25-08; C.F. No. 08-964, § 1, 10-1-08; C.F. No. 08-1357, § 1, 1-21-09; Ord. No. 11-55, § 4, 7-13-11; Ord 14-29, § 1, 8-6-14; Ord 15-29, § 2, 5-27-15; Ord 16-39, § 1, 10-12-16; Ord 17-21, § 1, 6-28-17; Ord 17-32, § 1, 9-27-17)

Sec. 409.07.1. - Extended service license.

(a) *License.* Establishments located holding on-sale licenses issued under this chapter may remain open for the sale of food after the hours of sale provided in section 409.07 of the Legislative Code and until 3:00 a.m. if they have first obtained an extended service license. Such license shall be a class III license. Except as provided in subsection (d) below, the notice, hearing and consent requirements in section 411.04(b) of the Legislative Code shall apply to extended service licenses. Applications shall be made on such forms as may be provided by the department of safety and inspections the fee for such license shall be established by ordinance as provided in section 310.19(b) of the Legislative Code.

(b) *Procedures.* Notwithstanding any other provision of law, the council may, at any time and with respect to any establishment, condition, deny or revoke an extended service license in order to protect the public peace, welfare and safety, or upon the grounds in section 310.06 of the Legislative Code, but without compliance with the formal contested case hearing procedures in section 310.05 of the Legislative Code. The licensee or applicant shall be given an opportunity to be heard before the council on such actions.

(c) *Regulations.* The following regulations shall apply to all extended service licenses:

(1) *Food menu.* The establishment shall, as a condition of issuance and throughout the term of such license, provide as a menu item during such extended hours of service at least four (4) different types of entrees and/or sandwiches and a choice of nonalcoholic beverages.

(2) *No alcohol.* No alcoholic beverages may be offered, displayed, sold or consumed by anyone in the establishment during such extended hours. No alcoholic beverage container of any kind, whether empty or containing any alcoholic beverage, shall remain on the bar, tables, counters or any other place to which a customer has access, or at any location in the customer areas of the establishment, after 1:00 a.m., if the establishment has an extended service license or after 2:00 a.m. if the establishment has obtained a permit from the state pursuant to Minn. Stat. § 340A.504, subd. 7.

(3) *Alcohol storage.* All alcoholic beverages shall be stored not later than 1:15 a.m. or 2:15 for those establishments which have obtained a permit from the state pursuant to Minn. Stat. § 340A.504, subd. 7, which permits later service, and during extended service hours in a cabinet, locker, or storage area which is locked and secure, and which shall remain locked at all times during extended service hours.

(4) *Entertainment.* Except as provided in subsection (d) below, no entertainment shall be provided during the extended service hours unless the applicant first complies with the petition and consent requirements of section 411.04(b) of the Legislative Code. This is a separate and distinct requirement from that provided for in section 409.07.1(a) above, provided that the hearing dates may be combined at the discretion of the council. The provision of entertainment during any extended service hours shall be in conformity with all the other requirements of law, including Chapter 411 of the Legislative Code. Notwithstanding the foregoing, no establishment shall provide Class C entertainment during the hours of extended service hereunder.

(5) *Conditions.* The council may further condition any extended service license issued hereunder, which conditions may include, but are not limited to, by reason of this specification:

a. Limitations on the time of the extended service hours, and/or the days of the week on which such extended service hours may be held;

b. Requirements concerning staffing or security levels and/or the provision of security during extended service hours;

c. Conditions relating to security, lighting, noise, litter, parking or traffic control; and

d. Other conditions enumerated in section 310.06(c) of the Legislative Code.

Such conditions may be imposed on, revised or added to any extended service license at any time, without compliance with the formal contested case hearing procedures in section 310.05 of the Legislative Code. The licensee or applicant shall be given an opportunity to be heard before the council on such conditions.

(d) *Downtown business district.* Applicants for extended service license located in the downtown business district, as defined in section 409.02, shall not have to comply with the notice, hearing and consent requirements in section 411.04(b) for either the license itself or the provision of entertainment under an existing entertainment license during the extended service hours. Class C entertainment cannot be provided during the hours of extended service hereunder.

(C.F. No. 94-1658, § 1, 12-28-94; C.F. No. 97-604, § 2, 6-25-97; C.F. No. 03-554, § 2, 7-7-03; C.F. No. 07-149, § 154, 3-28-07)

Sec. 409.08. - Regulations generally.

All licensees hereunder are hereby required to observe the following regulations; provided, however that any such regulation which specifically refers to an on-sale licensee shall not bind an off-sale licensee, nor shall any regulation which specifically refers to an off-sale licensee bind an on-sale licensee:

(1) All sales shall be made in full view of the public.

(2) A "minor," as used herein, is any person under the age of twenty-one (21) years.

a. No licensee, or agent or employee thereof, shall serve or dispense upon the licensed premises any intoxicating liquor to any minor; nor shall such licensee, agent or employee permit any minor to be furnished with or to consume any such liquor on the licensed premises; nor shall such licensee, agent or employee permit any minor to be delivered any such liquor.

b. No minor shall misrepresent his or her age for the purpose of obtaining intoxicating liquor nor shall he or she enter any premises licensed for the retail sale of intoxicating liquor for the purpose of purchasing or having served or delivered to him or her for consumption of any such intoxicating liquor or beer nor shall any such person purchase, attempt to purchase, consume, or have another person purchase for him or her any intoxicating liquor or beer.

c. No minor shall induce any person to purchase, procure or obtain intoxicating liquor for him or her.

d. Proof of age for purposes of consuming, purchasing or possessing an alcoholic beverage, the consumption, sale or possession of which is regulated by age, may only be established by a valid driver's license or a Minnesota Identification Card issued pursuant to Minn. Stats. § 171.07, or, in the case of a foreign national, by a valid passport.

(3) No sale shall be made in any place or in part of a building where such sales are prohibited by state law or this chapter.

(4) No person under eighteen (18) years of age may be employed in a place where intoxicating liquor is sold for consumption on the premises, except persons under eighteen (18) years of age may be employed as musicians or in bussing or washing dishes in a restaurant or hotel that is licensed to sell intoxicating liquor and may be employed as waiters or waitresses at a restaurant, hotel or motel where only wine is sold; provided, that the person under the age of eighteen (18) may not serve or sell any wine.

(5) Every licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business.

(6) No licensee shall keep, possess or operate, or permit the keeping, possession or operation of, on any licensed premises or in any room adjoining the licensed premises any slot machine, dice or any gambling device or

apparatus, nor permit any gambling therein (whether or not licensed by the state), nor permit the licensed premises or any room in the same or in any adjoining building directly or indirectly under his or her control to be used as a resort for prostitutes or other disorderly persons, except that pulltabs, tipboards, paddlewheels and raffle tickets may be sold on licensed premises when such activity is licensed by the state pursuant to Minn. Stats. ch. 349, and conducted pursuant to regulations contained in this Legislative Code. Notwithstanding the foregoing, a licensee may permit, for specific functions or events, up to five (5) times per calendar year, for which written notice is given to the department of safety and inspections at least forty-eight (48) hours in advance, the use of slot machines, dice and gambling devices on the licensed premises if:

a. Their presence or use on the licensed premises does not violate state or federal law;

b. Their use is solely for social, recreational or amusement purposes, and not for fundraising of any kind or for any cause or purpose; and

c. No gambling other than lawful charitable gambling takes place on the licensed premises.

Notwithstanding other provisions of this Legislative Code to the contrary, the council may permit an on-sale licensee to permit the holding of a single event, such as a banquet, that includes the sale of raffle tickets as a part of the event activity; provided, that such events are separate from the public areas of the licensed establishment, not open to the general public, and the raffle conducted by a charitable organization licensed by the State of Minnesota.

(7) No dancing wherein the public participates, and no dancing, singing or other vaudeville exhibitions or entertainment shall be permitted on the premises of any on-sale licensee unless such premises are duly licensed for entertainment. Each on-sale licensee shall be responsible for all entertainment of any kind that is provided on the licensed premises, and by others on property in the same building as the licensed premises which the on-sale licensee owns or has the right to control, when such property has been leased or otherwise made available to another (hereafter, "rental property"). Each such on-sale licensee shall take reasonable and adequate steps to prevent entertainment and other activities on the rental property from violating any provision of law including, but not limited to, the noise regulations in chapter 293 of the Legislative Code, and to prevent the conduct of persons present at or leaving the rental property from causing a nuisance in the community in the immediate area of the rental property. Such steps may include written lease agreements, conditions in each lease agreement for the rental property which require the provision of security guards, the limitation of the hours during which entertainment may take place, the termination of entertainment upon the receipt of two (2) or more noise complaints by the police, and consent for inspection of the rental property by the police or license division at times when the rental property is in use. Notwithstanding such steps, the on-sale licensee shall be subject to adverse action for entertainment and other activities taking place on the rental property or on the licensed premises which violate the provision of any law or ordinance, or which constitute a nuisance.

(8) The license issued to said licensee shall be posted in a conspicuous place in that portion of the premises for which the license has been issued.

(9) No person shall remain in or loiter in the parking lot of an on-sale licensee after the lawful closing hour.

(10) When a licensee is notified by the police department that a parade will be held within one (1) block of the licensee's establishment, all beer and all intoxicating liquor or liquid of any type sold during the entire day of said parade shall be sold only in plastic or paper containers. In addition, upon receiving such notice, the licensee shall place a person at each entrance and each exit of the establishment at least one (1) hour prior to the time of parade, and the licensee shall require a person to remain at those locations until one (1) hour after the parade, to ensure that patrons do not enter or exit with beer or intoxicating liquor.

(11) When an existing building is converted to on-sale intoxicating liquor purposes, existing off-street parking facilities w the building shall be provided with a visual screen where the parking facility adjoins or abuts across an alley any res or residential zoning district. The screen shall be between four and one-half (4½) and six and one-half (6½) feet in he sufficient density to visually separate the parking facility from the adjacent residential use district. The screen may c various fence materials, earth berms, plant materials or a combination thereof. Access by patrons to the parking fac an adjacent alley should generally be prohibited. This regulation shall not apply to a license issued to a private nonp college.

(12) No person shall give, sell, procure or purchase intoxicating liquor to or for any person to whom the sale of intoxicating liquor is forbidden by law.

(13) No person shall mix or prepare intoxicating liquor for consumption, or consume it, in any public place not licensed in accordance with this Code and the state.

(14) No intoxicating liquor shall be sold or consumed on a public highway or in an automobile.

(15) Each on-sale licensee shall have the responsibility of taking reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage, and the failure to do so may subject such licensee to adverse action against his or her license.

(16) No person, group or association applying for or holding a license under this chapter shall restrict membership in its club or organization, or restrict access to the licensed premises or any facilities of such person, group or association, on the basis of race, creed, religion, sex, national origin or ancestry, age, disability, marital status or status with respect to public assistance. This provision shall not apply to any religious corporation, association or society with respect to membership or access based on religion, where religion is a bona fide qualification for membership or access. A violation of the foregoing shall constitute sufficient grounds for adverse action against the license or license application, including revocation or denial of the license.

(17) An off-sale/brew pub and off-sale brewery may only sell at off-sale during legal hours for off-sale at exclusive liquor stores, except that an off-sale brewery may sell at off-sale between 8:00 a.m. and 8:00 p.m. on Sundays. The malt liquor sold off-sale must be removed from display at all times when off-sale is not authorized under this paragraph.

(18) An off-sale/brew pub and off-sale brewery must package the malt liquor in sixty-four-ounce containers commonly known as growlers, bearing a twist-type closure, cork, stopper or plug. At the time of the sale, a paper or plastic adhesive band, strip or sleeve shall be applied to the container and extend over the top of the closure, forming a seal that must be broken upon opening of the strip. The band, strip or seal must bear the name and address of the brewer, and the container must be identified as malt liquor, contain the name of the malt liquor and bear the name and address of the brewer selling the malt liquor and shall be considered intoxicating liquor unless otherwise labeled in accordance with Minnesota Rules, part 7515.1100.

(19) The total retail sales at on-sale or off-sale of a brewer licensed to sell at off-sale as an off-sale brew pub or an off-sale brewery may not exceed three thousand five hundred (3,500) barrels per year provided that off-sales may not total more than five hundred (500) barrels.

(20) No licensee shall sponsor, advertise and/or host events for individuals under the age of twenty-one (21) such as "18 and up" nights, "college nights", "teen nights" or other such designations unless the events are held in a portion of the establishment where liquor, including 3.2 malt, is not consumed sold or served. The licensee will be responsible for insuring that individuals under the age of twenty-one (21) who enter to attend such events

cannot gain access to an area where liquor is sold, served, permitted or consumed. Any advertisements in connection with such events must contain disclaimers that the events will be in an alcohol-free area of the establishment and that alcohol will not be sold or served to anyone under the age of twenty-one (21).

(21) Licensees are responsible for insuring that any individual under the age of twenty-one (21), other than an employee, who enters the establishment is present only for the purpose of consuming a meal or attending a social function open to the public held in a portion of the establishment where liquor is not sold, consumed, served or displayed. The requirements of this section shall not apply to the River Centre complex, Midway Stadium, theaters or bowling alleys or social functions which are not open to the public.

(22) Notwithstanding the provisions of paragraph (18), above, an establishment which holds an entertainment license may host up to twelve (12) live entertainment events annually at which individuals under the age of twenty-one (21) may be present, providing the establishment obtains a permit for such an event. A "live entertainment event" shall mean live musical performances by individuals or groups. The fee for such license shall be as set forth in Saint Paul Legislative Code § 310.18. No more than twelve (12) permits may be issued to any licensee annually and no more than one (1) event may occur within three (3) weeks of another such event. A permit issued hereunder is not effective for any premises other than the licensed premises. Application for such permit must be made at least two (2) weeks prior to the event. Any person obtaining an eighteen (18) and up permit shall be required to have in place a system of checking identification and identifying with indelible marks or non-removable wristbands those patrons who are not yet twenty-one (21). At no time during an event authorized pursuant to this section shall patrons be served more than one (1) alcoholic beverage per person from the bar, and servers will be required to independently verify that patrons have been carded for age prior to serving them alcoholic beverages. Notwithstanding any other provision of law, the council or the department of safety and inspections may, at any time and with respect to any establishment, deny such request for a permit or place additional conditions on permits issue hereunder in order to protect the public peace, welfare and safety, so long as such conditions or prohibitions do not relate to the content of the entertainment. Appeal of the denial of a permit under this subdivision shall be to the city council.

(23) An off-sale microdistillery may only sell at off-sale during legal hours for off-sale at exclusive liquor stores, and the distilled spirits sold off-sale must be removed from display at all times when off-sale is not allowed under this paragraph.

(24) An off-sale microdistillery may not sell spirits at off-sale unless the brand is also available for distribution by wholesalers.

(25) No licensee of an exclusive liquor store which sells or displays any tobacco, tobacco-related device, electronic delivery device, or nicotine or lobelia delivery product as defined under section 324.03 may allow any person under the age of twenty-one (21) years of age to enter the store unless accompanied by an adult over the age of twenty-one (21).

(Code 1956, § 308.23(1)—(10); Ord. No. 17015, 4-28-83; Ord. No. 17043, 8-9-83; Ord. No. 17173, 10-23-84; Ord. No. 17321, § 2, 12-31-85; Ord. No. 17368, § 1, 6-24-86; Ord. No. 17436, § 1, 2-24-87; Ord. No. 17460, § 1, 5-28-87; Ord. No. 17473, §§ 1, 2, 7-7-87; Ord. No. 17657, §§ 8, 12, 6-8-89; Ord. No. 17676, § 3, 8-24-89; Ord. No. 17705, § 2, 1-16-90; Ord. No. 17901, § 9, 1-14-92; C.F. No. 93-1324, § 1, 11-23-93; C.F. No. 95-674, § 1, 7-19-95; C.F. No. 96-395, § 1, 5-8-96; C.F. No. 03-693, § 2, 9-3-03; C.F. No. 05-498, § 1, 6-22-05; C.F. No. 06-822, § 3, 9-27-06; C.F. No. 07-149, § 155, 3-28-07; Ord. No. 11-55, § 5, 7-13-11; Ord 15-29, § 4, 5-27-15; Ord 18-50, § 1, 10-24-18; Ord 19-56, § 1, 9-11-19)

Sec. 409.085. - Safety in on-sale establishments.

This section applies to on-sale licenses for the sale of intoxicating liquor.

(a) *Notice to chief of police.* The licensee shall, within thirty (30) days following November 4, 1994, notify the chief of police writing if any firearms as defined in section 225.01 of the Legislative Code are kept on or within the licensed premises. S notice shall include a description of each firearm and the location where it is kept on the licensed premises. Thereafter, licensee shall notify the chief of police if there are any additional firearm or firearms, or changes in the location, numbe description of each such firearm listed in the first notice, kept on or within the licensed premises, within five (5) days fol any such change. The licensee is responsible for ensuring that the notification given to the chief is updated and accurat respect to any changes in kind, number or location of firearms kept on or within the licensed premises.

(b) *Training.* The licensee shall, with respect to all employees who (1) are authorized to use a firearm on the licensed premises and (2) who are not prohibited by law from using such firearm, provide training in firearms safety and the lawful use of deadly force, as well as in procedures for maintaining order and peace on the licensed premises by methods other than use of firearms and/or deadly force. The training required by this subsection shall be acceptable to the chief of police and provided for all existing employees within ninety (90) days following November 4, 1994, and for future employees within sixty (60) days following their employment.

(C.F. No. 94-859, § 2, 10-5-94)

Sec. 409.09. - Certain sexual conduct prohibited.

The following acts or conduct on licensed premises are unlawful and shall be punished as provided by section 1.05 of the Saint Paul Legislative Code:

(1) To employ or use any person in the sale or service of alcoholic beverages in or upon the licensed premises while such person is unclothed or in such attire, costume or clothing as to expose to view any portion of the female breast below the top of the areola or of any portion of the pubic hair, anus, cleft of the buttocks, vulva or genitals.

(2) To employ or use the services of any hostess while such hostess is unclothed or in such attire, costume or clothing as described in subparagraph (1) above.

(3) To encourage or permit any person on the licensed premises to touch, caress or fondle the breasts, buttocks, anus or genitals of any other person.

(4) To permit any employee or person to wear or use any device or covering exposed to view which simulates the breast, genitals, anus, pubic hair or any portion thereof.

(5) To permit any person to perform acts of or acts which simulate:

a. With or upon another person sexual intercourse, sodomy, oral copulation, flagellation or any sexual act which is prohibited by law.

b. Masturbation or bestiality.

c. With or upon another person the touching, caressing or fondling on the buttocks, anus, genitals or female breast.

d. The displaying of the pubic hair, anus, vulva, genitals or female breast below the top of the areola.

(6) To permit any person to use artificial devices or inanimate objects to depict any of the prohibited activities described above.

(7) To permit any person to remain in or upon the licensed premises who exposes to public view any portion of his or her genitals or anus.

(8) To permit the showing of film, still pictures, electronic reproduction or other visual reproductions depicting:

a. Acts or simulated acts of sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation or

any sexual act which is prohibited by law.

b. Any person being touched, caressed or fondled on the breast, buttocks, anus or genitals.

c. Scenes wherein a person displays the vulva or the anus or the genitals.

d. Scenes wherein artificial devices or inanimate objects are employed to depict, or drawings are employed to portray, any of the prohibited activities described above.

(Code 1956, § 308.23(11))

Sec. 409.10. - Restrictions on licenses.

When a reasonable basis is found by the council to impose reasonable restrictions upon a license held under this chapter, the council, upon issuing a new license or renewing a license or approving a transfer of a license, may impose reasonable conditions and restrictions pertaining to the manner and circumstances in which the business shall be conducted to preserve the public peace and protect and promote good order and security. These reasonable conditions or restrictions may pertain to:

(1) A limitation as to the hours when intoxicating liquor may be sold and/or consumed on the licensed premises;

(2) A limitation and restriction as to the exact location within a building where intoxicating liquor will be served and/or sold and/or consumed;

(3) A limitation and restriction as to the means of ingress to or egress from the licensed establishment;

(4) A requirement that certain off-street parking facilities be provided;

(5) A condition that the license will be in effect only so long as the establishment remains a drugstore, restaurant or hotel as defined by the state liquor act or regulations adopted pursuant thereto;

(6) A limitation and restriction as to the means and methods of advertising the sale of intoxicating liquor on the building and/or on the premises adjacent thereto;

(7) Reasonable conditions limiting the operation of the licensed premises so as to ensure that the licensed business will comport with the character of the district in which it is located and/or to the end that nuisances will be prevented; and

(8) Additional conditions upon hotels and restaurants which may in the discretion of the council tend to insure that the sale of liquor will take place only in conjunction with the sale and service of food.

(Code 1956, § 308.11(b); C.F. No. 95-478, § 4, 5-31-95; C.F. No. 95-28, § 4, 8-16-95)

Sec. 409.11. - Transfer of license; change in service area.

(a) *Transfer.* No on-sale license granted hereunder shall be transferable from place to place (including changes in licensed areas) without the consent of the city council, which consent shall be evidenced by resolution passed by the city council.

(b) *Service area; temporary extensions of service area (patio).* No license granted for a specified part of any particular premises shall permit sales of such liquor on a part of such premises not specified in the license; or in an area adjacent to such licensed premises; provided, however, that the license inspector or his or her designee may waive this limitation and allow a temporary extension of the liquor service area subject to the following criteria herein established by the city council. Failure to make a waiver and/or allow such a temporary extension is not adverse action and does not require notice and hearing in the event of denial or inaction:

(1) No such extension shall be for more than a continuous twenty-four-hour period and shall be valid only at times that liquor sales are allowed by law;

(2) No licensee shall receive more than ten (10) such service extensions in any calendar year;

(3) The temporary extended service area can be either indoors or outdoors, but must be immediately adjacent to the licensed premises;

(4) All business operations on or in the temporary extended service area shall be in compliance with all other requirements of state law and of this chapter, and in particular shall comply with the requirements of Chapter 293 of this Legislative Code relating to noise;

(5) The temporary extended service area, if outdoors, shall be enclosed by a vertical fence or partition at least four (4) feet in height which allows control of access to and from the liquor service and consumption area;

(6) The licensee shall present with their application for permission for a temporary extension either the written consent or nonobjection of the citizens' district council whose geographical area encompasses the licensed premises, or a petition containing a statement in writing with the signatures of sixty (60) percent or more of the owners and occupants of private residences, dwellings and apartment houses located within two hundred (200) feet of such premises stating that they have no objection to the granting of such temporary extension of service area. The department of safety and inspections will provide licensee the list of all owners and occupants of private residences, dwellings and apartment houses who own property or reside within two hundred (200) feet of the proposed location. When compiling the list, the department of safety and inspections will measure a straight line from the nearest point where intoxicating liquor will be consumed to the property line owned, leased or under the control of the resident. The written consent or statement of nonobjection must include a complete description of all entertainment planned during the temporary extension. If such consent or nonobjection is refused or if such petition fails, the city council may by resolution authorize the temporary extension of the service area; and

(7) The licensee shall notify, at least ten (10) days in advance of the date of the proposed temporary extension, all owners and occupants who own property or reside within three hundred (300) feet of the property line within which the licensed establishment is located of the proposed temporary extension of liquor service. Such notice shall be typewritten and include the location, date and time of the proposed extension of liquor service. The notice shall specifically state: "If any person has comments about this proposed temporary extension of liquor service, they are encouraged to telephone the public information and complaint office."

(c) *Transfers of stock in corporate licensees; change in officers.*

(1) The transfer of stock in any corporate license shall be deemed a transfer within the meaning of this section, and no such transfer of stock shall be made without the consent of the city council.

(2) It is hereby made the duty of the officers of any corporation holding a license issued under the authority of this chapter to notify the city council of any proposed sale or transfer of any stock in such corporation, and no such sale or transfer of stock shall be effective without the consent of the council given in the manner above set forth. The transfer of any stock without the knowledge and consent of the city council shall be deemed sufficient cause for revocation by the council of any license granted to such corporation under the authority of this chapter.

(3) Such corporate officers shall also notify the city council whenever any change is made in the officers of any such corporation, and the failure to so notify the council shall likewise be sufficient cause for revocation of any liquor license granted to such corporation.

(4) Notwithstanding the provisions of this section, publicly owned corporations whose stock is traded on the open market may comply with the requirements pertaining to stock ownership and stock transfer by furnishing the council with the names and addresses of all stockholders of record upon each renewal of the license.

(5) An application for the transfer of such a license shall be made by the transferee upon forms furnished by the

department of safety and inspections. Prior to the city council's consideration of said application, the application shall be read by the city clerk at the next regular meeting of the city council.

(d) *Hearings upon transfers or changes in service area.* The council shall schedule a date for public hearing upon said application for transfer or change in licensed area. At least forty-five (45) days before a public hearing on a transfer or change in licensed area, the department shall notify by mail all owners and occupants who own property or reside within three hundred fifty (350) feet of the establishment to which the license is to be transferred or area changed, and all community organizations that have previously registered with said department to be notified of any such application, of the time, place and the purpose of such hearing, said three hundred fifty (350) feet being calculated and computed as the distance measured in a straight line from the property line of the building where intoxicating liquor is sold, consumed or kept for sale to the property line owned, leased or under the control of the resident. Prior to the hearing date, said department shall submit to the council a list of the names and addresses of each person or organization to whom notice was sent, and certification of such list by the department shall be conclusive evidence of such notice. A transfer or change in licensed area under this section only becomes effective upon compliance with this section and consent of the council by resolution. The failure to give mailed notice to owners or occupants residing within three hundred fifty (350) feet, or to community organizations, or defects in the notice, shall not invalidate the transfer provided a bona fide attempt to comply with this section has been made. A bona fide attempt is evidenced by a notice addressed to "owner" and to "occupant" of the listed address. Only one (1) notice need be mailed to each house or each rental unit within a multiple-family dwelling regardless of the number of occupants.

(e) *Notice requirement not applicable in downtown business district.* The notification requirements of this section shall not be applicable where the license is to be transferred to a place located within the downtown business district. For purposes of this section, downtown business district shall include all that portion of the City of Saint Paul lying within and bounded by the following streets: Beginning at the intersection of Shepard Road with Chestnut Street, Chestnut Street to Interstate Freeway 35E, Interstate Freeway 35E to Tenth Street, Tenth Street to Interstate Freeway 94, Interstate Freeway 94 to Lafayette Bridge, Lafayette Bridge to where the bridge crosses over Warner Road, Warner Road to the Wabasha Bridge, the Wabasha Bridge across the Mississippi River to the water line on the south bank of the river, thence in a westerly direction along the shore line to the point at which it intersects with "Line A," and then in a straight line across the Mississippi River to the intersection of Chestnut Street with Shepard Road. The location and legal description of "Line A" is indicated on the map attached hereto, and incorporated and adopted herein by reference.

(f) *No transfers person to person.* Notwithstanding any other provision in the Saint Paul Legislative Code, no on-sale license shall be transferable from person to person.

(g) *Place to place transfers limited.* Notwithstanding any other provision in the Saint Paul Legislative Code, an on-sale license may be transferable from place to place within one (1) liquor patrol limit as defined in section 17.07 of the City Charter, and from such liquor patrol limit to any location in a commercial development district, also as defined in said section of the Charter, so long as the transfer and new location meet all the requirements of law, ordinance, Code or Charter. An on-sale license may be transferable from place to place into a liquor patrol limit subject to all the restrictions and requirements of section 17.07.2 of the City Charter.

(h) *License is a privilege.* A license issued under this chapter is a privilege accorded to the licensee to engage in all the lawful activities permitted thereunder and is neither property nor a property right. Such license may not be leased, assigned, pledged, mortgaged or liened. An agreement providing for management of the licensed business or premises (or any part thereof) shall be reduced to writing, executed by the parties thereto and filed within ten (10) days after its execution in the department of safety and inspections, together with the new license application. The

management agreement shall not be effective until it has been approved in writing by the department of safety and inspections and shall remain in effect only while the new license application is pending. Failure to reduce a management agreement to writing, and failure to file the same with the inspector as required above, shall each constitute separate grounds for adverse action. The licensee notwithstanding a management agreement remains fully responsible for the licensed business and/or premises, as well as the conduct of all employees, managers and agents in accordance with sections 310.17 and 409.14 of the Code.

(i) *Addition of family members to the license.* Notwithstanding any other provision of law to the contrary, the addition of one (1) or more family members as defined in section 409.05(k) of the Legislative Code as partners, officers or shareholders in a partnership or corporation holding a license under this chapter shall not be deemed to be a transfer of the license or to require the submission of an original application for a license so long as all the additional family members comply with the provisions of section 409.05(k).

(Code 1956, § 308.16; Ord. No. 17172, 10-23-84; Ord. No. 17173, 10-23-84; Ord. No. 17177, 10-23-84; Ord. No. 17551, § 5, 4-19-88; Ord. No. 17657, § 16, 6-8-89; Ord. No. 17918, § 2, 3-31-92; C.F. No. 92-852, § 1, 7-9-92; C.F. No. 95-478, § 5, 5-31-95; C.F. No. 95-28, § 5, 8-16-95; C.F. No. 97-604, § 3, 6-25-97; C.F. No. 99-526, § 2, 7-7-99; C.F. No. 04-188, § 2, 3-3-04; C.F. No. 07-149, § 156, 3-28-07; C.F. No. 10-156, § 1, 3-10-10; Ord 19-47, § 2, 8-7-19)

Sec. 409.12. - Revocation; suspension; fine.

Any license or permit under this chapter may be either suspended for up to sixty (60) days or revoked or a civil fine imposed not to exceed two thousand dollars ($2,000.00) for each violation on a finding by the council that the license or permit holder has failed to comply with an applicable statute, rule or ordinance relating to alcoholic beverages. No suspension, revocation or fine shall take effect until the license or permit holder has been afforded an opportunity for a hearing under section 310.05 of this Code.

(Code 1956, § 308.14; Ord. No. 17522, § 1, 12-24-87; Ord. No. 17551, § 6, 4-19-88; Ord. No. 17574, § 1, 7-12-88)

Sec. 409.13. - Inspector's duties.

It is hereby made the duty of the inspector to see that no applicant for any license hereunder begins to operate such business until the license has actually been issued to such applicant so to do by the inspector.

(Code 1956, § 308.21)

Sec. 409.14. - Owner's responsibility.

(a) Any act by any clerk, barkeeper, agent, servant or employee of any licensee hereunder, in violation of this chapter, shall be deemed the act of the employer and licensee of such place as well as that of such clerk, barkeeper, agent, servant or employee, and every such employer and licensee shall be liable to all the penalties provided for the violation of same equally with the clerk, barkeeper, agent, servant, or employee.

(b) Any sale of intoxicating liquor by a clerk, barkeeper, agent, servant or employee made in or from any place duly licensed to sell nonintoxicating malt liquor but not duly licensed to sell intoxicating liquor shall be deemed the act of the employer and licensee, as well as that of the person actually making the sale, and every such employer and licensee of such place shall be liable to all the penalties provided in this chapter for such sale, equally with the person actually making the sale.

(Code 1956, §§ 308.24, 308.25)

Sec. 409.15. - On-sale wine and culinary licenses.

(a) *Definitions.* The following definitions shall apply to this section:

(1) *Restaurant* shall mean an establishment under the control of a single proprietor or manager, having appropriate facilities for serving meals and for seating not fewer than twenty-five (25) guests at one (1) time and where, in consideration of payment therefor, meals are regularly served at tables to the general public, and which employs an adequate staff to provide the usual and suitable service to its guests.

(2) *On-sale wine license* shall mean a license authorizing the sale of wine not exceeding fourteen (14) percent alcohol by volume, for consumption on the licensed premises only in conjunction with the sale of food.

(3) *On-sale culinary license* shall mean a license authorizing an establishment that offers culinary classes to furnish wine not exceeding fourteen (14) percent by volume or intoxicating malt liquor on the licensed premises only in conjunction with a cooking or culinary class.

(b) *Issuance of license; fee; conditions for on-sale wine license.* On-sale wine licenses may be issued, subject to the approval of the liquor control commissioner, to the proprietor of any restaurant as defined in this section and without regard to section 409.03 limitations, and subject to the following conditions:

(1) The license fee shall be paid in the amount listed in section 310.18 of this code; and

(2) The licenses shall be valid on all days of the week consistent with the hours of sale provided in section 409.07(a); and

(3) All other provisions of this chapter shall be applicable to such licenses and licensees unless inconsistent herewith.

(c) *Issuance of license; fee; conditions for on-sale culinary license.* On sale culinary licenses may be issued, subject to the approval of the liquor control commissioner, to the proprietor of any establishment offering culinary classes as defined in this section, without regard to section 409.03 limitations, and subject to the following conditions:

(1) The license fee shall be paid in the amount listed in section 310.18 of this code; and

(2) The licenses shall be valid on all days of the week between the hours of 12:00 p.m. and 12:00 a.m.; and

(3) The establishment must offer culinary or cooking classes as a part of its business. Each participant in each class must make an advance reservation for the class and each participant must make payment for the class in advance. A participant may attend no more than one (1) class per day; and

(4) The license allows that each participant may be furnished up to a maximum of six (6) ounces of wine or twelve (12) ounces of intoxicating malt liquor during and as part of the class, for consumption on the licensed premises only. The wine or intoxicating malt liquor shall be furnished only during and as a part of the class and at no additional cost to the participant.

(d) *Public hearing; notices.* No new on-sale wine license or on-sale culinary license shall be issued until the council shall have first held a public hearing on the application. The notification requirements applicable to change in licensed areas in section 409.11 shall be applicable to the issuance of new on-sale wine licenses and on-sale culinary licenses.

(e) *On-sale malt beverages.* A holder of an on-sale wine license issued pursuant to this section who is also licensed to sell on-sale 3.2 percent malt liquor and whose gross receipts are at least sixty (60) percent attributable to the sale of food may be permitted by the city council to also sell intoxicating malt liquors at on sale in conjunction with the sale of food without having to pay any additional license fee. Such authorization, if approved by the council, shall be noted upon the licenses issued by the inspector. This provision is enacted pursuant to authority granted by Minnesota Statutes, section 340A.404(5).

(Code 1956, § 308.27; Ord. No. 16912, 4-22-82; Ord. No. 17247, § 2, 6-6-85; Ord. No. 17328, § 3, 1-23-86; Ord. No. 17491, § 1, 9-16-87; C.F. No. 95-478, § 6, 5-31-95; C.F. No. 03-128, § 2, 3-5-03; C.F. No. 06-753, § 2, 9-13-06; C.F. No. 07-1195, § 1, 1-9-08)

Sec. 409.16. - Reserved.

Editor's note— C.F. No. 95-478, § 7, adopted May 31, 1995, repealed § 409.16, which pertained to issuance of new licenses and derived from §§ 308.28—308.33 of the 1956 Code as amended by Ord. No. 17172, adopted Oct. 23, 1984; Ord. No. 17176, adopted Oct. 23, 1984; and Ord. No. 17551, § 7, adopted Apr. 19, 1988.

Sec. 409.17. - Violation; penalty.

Violation of any of the regulations contained in sections 409.08 and 409.09 shall be a misdemeanor and shall be punished as provided by section 1.05 of the Saint Paul Legislative Code.

(Code 1956, § 308.23(12))

Sec. 409.18. - Phalen Park Club House; Como Park Clubhouse; Como Lakeside Pavilion.

The director of parks and recreation may authorize any holder of an on-sale liquor license issued by the city to dispense intoxicating liquor at any event of definite duration on the public premises known as Como Park Clubhouse, Como Lakeside Pavilion and Phalen Park Club House. The event may not be profit making except as a fund raising event for a nonprofit organization or a political committee as defined in Minnesota Statutes, Section 210A.01, Subdivision 8. The licensee must be engaged to dispense intoxicating liquor at the event held by a person or organization permitted to use the premises and may dispense intoxicating liquor only to persons attending the event. A licensee's authority shall expire upon termination of the contracted event. The authority to dispense intoxicating liquor shall be granted in accordance with the statutes applicable to the issuance of on-sale licenses in cities of the first class consistent with Laws of Minnesota for 1981, Chapter 335, Laws 1983, Chapter 259, and Laws of Minnesota for 1993, Chapter 350. The dispensing of intoxicating liquor shall be subject to all laws and ordinances governing the dispensing of intoxicating liquor as are not inconsistent with Laws 1981, Chapter 335, Laws 1983, Chapter 259, and Laws of Minnesota for 1993, Chapter 350. All dispensing of intoxicating liquor shall be in accordance with the terms and conditions prescribed by the director of parks and recreation and those terms and conditions may limit the dispensing of intoxicating liquor to designated areas of the facility. The director of parks and recreation may fix and assess a fee to be paid to such special fund as may be designated by said by an on-sale licensee for each event for which the licensee is engaged to dispense intoxicating liquor.

(Ord. No. 16812, 7-16-81; Ord. No. 17074, 11-17-83; C.F. No. 95-934, § 1, 8-30-95; C.F. No. 09-81, § 14, 2-11-09)

Sec. 409.19. - Reserved.

Editor's note— C.F. No. 06-1070, § 2, adopted December 27, 2006, amended the Code by repealing former § 409.19 in its entirety. Former § 409.19 pertained to license redemption; and derived from Ord. No. 17172, adopted October 23, 1984.

Sec. 409.20. - Commercial development districts.

(a) Commercial development districts, as defined in section 17.07.1 of the City Charter, may be created or expanded by the filing in the office of the city clerk of a written petition therefor setting forth the boundaries of the expanded district, and containing the written consent of the owners of two-thirds of the several descriptions of real estate

situate within the new or area of the expanded district, together with the written consent of the owners of two-thirds of the several descriptions of real estate situated within one hundred (100) feet of the new or expanded district, and after the affirmative vote in favor thereof by at least five (5) members of the city council.

(b) The city council may waive the requirements for consent signatures if the city council shall determine that a hardship exists therefor, and in such case the council may, on its own, initiate the process of creating or expanding a commercial development district. In such case, the affirmative vote of at least five (5) members of the city council shall be required to create or expand any such district.

(c) In all such cases, the planning commission shall be consulted for advice concerning the proposals for consistency with the city's comprehensive plan and zoning ordinances, and the planning commission shall report in writing to the city council its findings and recommendations.

(d) Upon receipt of the report of the planning commission, the council's committee designated to hear license matters shall fix a date for public hearing to consider the petition or proposal to create or expand a commercial development district and afford an opportunity to all affected persons to be heard. The city clerk shall cause notice of the hearing to be published once in the official newspaper of the city, and mailed notice thereof shall be given by the department of safety and inspections to all owners of land within the new or area of the expanded district. Published notice and mailed notice shall be made at least twenty (20) days in advance of the public hearing.

(Ord. No. 17238, § 1, 5-9-85; Ord. No. 17551, § 8, 4-19-88; C.F. No. 04-188, § 3, 3-3-04; C.F. No. 07-149, § 157, 3-28-07)

Sec. 409.21. - Pull-tabs, tipboards, paddle-wheel, raffle tickets and bingo in bars by state licensed charitable nonprofit organizations.

(a) *Permission of city council; endorsement; termination:*

(1) On-sale licensees may request permission of the city council to permit qualified charitable organizations to conduct lawful gambling in the form of bingo, paddlewheels, pull-tabs, raffles and tipboards only on the licensed premises. Application for permission shall be made to the license inspector and payment of the specified fee. If the application is granted, the license shall contain an endorsement specifying this approval and the gambling endorsement may be considered for renewal at the same time as the council may consider renewal of the on-sale license. Once the city council has approved the application of an on-sale licensee to allow lawful gambling conducted by a qualified charitable organization, the department may allow subsequent qualified charitable organizations to conduct lawful gambling on the licensed premises without further council approval, subject to paragraph (2) of this section and section 409.21(b)(3).

(2) In the event the permission of any charitable nonprofit organization to conduct lawful gambling on the licensed premises is terminated by the licensed establishment on whose premises the organization was conducting said gambling, or in the event such organization terminates its lawful gambling as a result of coercion, pressure or unreasonable or unlawful conduct by the licensee or its employees, the on-sale licensee shall not be able to make application for a gambling endorsement for a new charitable nonprofit organization to take the place of the former organization until one (1) year after discontinuance of all gambling activity on the licensed premises by the former organization.

(b) *Gambling endorsement regulations.* Gambling endorsements in on-sale licenses shall be subject to the following regulations which shall be deemed as a part of the license, and failure of compliance may constitute grounds for adverse action as prescribed in the Legislative Code:

(1) Only charitable nonprofit organizations licensed by the State of Minnesota to conduct bingo or operate paddlewheels, tipboards and pull-tabs may be allowed to conduct bingo or sell paddlewheel tickets, pull-tabs, raffle tickets and tipboards on the licensed premises. Except as provided under (2)(d) below.

(2) Use of the licensed premises shall be by means of a written lease agreement between the licensee and the charitab organization. All leases shall comply with the provisions of Minn. Stat. chapter 349 and the rules promulgated pursu thereto. The lease shall expire with the premises permit; a copy shall be filed with the department of safety and insp director, and also a copy must be kept on the premises and available for public inspection upon request. Leases sha governed by the following:

a. In the case of pull-tab dispensing devices, the lease agreement shall address cash shortages, game banks, machine repair, and prize reimbursement.

b. Reserved.

c. The licensee may not be reimbursed by the charitable organization for any license or permit fees, and the only compensation which the licensee may obtain from the charitable organization are the amounts fixed in the lease agreement.

d. All lawful gambling shall be conducted either:

i. From a booth or pulltap dispensing device within a leased or wholly owned area with the following exception: raffle tickets, paddlewheel tickets consisting of thirty (30) numbers or less with no table and tipboards consisting of thirty (30) or less may be sold within all of the public area of the permitted premise. Raffle drawings, winning ticket redemption, paddlewheel location and tipboard seal opening must be within the leased or wholly owned area with the exception that pulltab prize redemption from dispensing devices may be made as set forth in subdivision (6) below.

ii. The owner and employees of the on-sale establishment may, consistent with law and rule, conduct the sale and prize payout of lawful gambling games from within the establishment, including from the bar service area. In the case of bar bingo, food and beverages may be dispensed within the bingo leased or permitted premises.

e. The construction and maintenance of the booth used by the charitable organization shall be the sole responsibility of the charitable organization.

f. The lease shall contain a provision permitting the licensee to terminate the lease if the charitable organization is found guilty of any violation of state or local gambling statutes, ordinances or rules and regulations.

(3) Only one (1) charitable organization shall be permitted to conduct lawful gambling on a permitted premises except on such premises where two (2) organizations are conducting lawful gambling at the time this section is passed, provided that this requirement will apply if one (1) of said organizations ceases operations.

(4) A pull-tab dispensing device must be protected by an alarm system that is centrally monitored and has a battery backup. Such alarm may protect just the machine or the entire premises.

(5) If readily perishable or potentially hazardous food, as defined in section 331.07 of the Legislative Code, is awarded as a prize in any charitable gambling, the storage and handling of such food shall be in compliance with all applicable requirements of Chapter 331 of the Legislative Code. The licensee shall be responsible for notifying the department of safety and inspections that food, whether readily perishable or potentially hazardous or not, is being awarded as a prize in any charitable gambling taking place on the licensed premises, using such form or forms as may be prescribed by such department.

(6) Winning pull-tab tickets dispensed from dispensing devices or by an owner or employee of the on-sale establishment, may be redeemed by bar personnel from the bar service area, provided that a separate accounting of pull-tab proceeds and other funds of the licensed establishment is performed and made available to enforcement personnel.

(7) Employees and agents of the on-sale establishment not involved in the conduct of lawful gambling on the premises nongambling employees or agents of a licensed organization conducting lawful gambling on the premises may part lawful gambling on the premises provided that if pull-tabs or tipboards are sold, the organization prominently posts plain view at the point of sale the major prizes awarded.

(c) *Large charitable nonprofit organizations regulated:*

(1) Notwithstanding any other provision of law or of sections 409.21 and 409.22 of this chapter, not more than five (5) charitable nonprofit organizations which qualify as "large organizations" may be permitted to conduct lawful gambling in the form of paddlewheels, pull-tabs, raffles and tipboards on licensed premises after meeting all other requirements of Chapters 310 and 409 of the Saint Paul Legislative Code and of any other applicable statute, regulation or ordinance. The term "large organization," for the purpose of this chapter, shall mean and include any charitable nonprofit organization which has the size and resources, as well as the public acceptance and drawing power, sufficient to dominate in the competition for licensed premises in which to conduct charitable gambling so as to make it difficult or impossible for small charitable nonprofit organizations to find suitable or desirable premises in which to raise funds by charitable gambling. Any charitable nonprofit organization whose annual gross revenues for the immediately past fiscal or calendar year from all sources are in excess of ten million dollars ($10,000,000.00) or whose annual management and administrative expenditures for its current budget year are in excess of three million dollars ($3,000,000.00), or twenty-five (25) percent or more of whose net profits from charitable gambling are or have been distributed in at least three (3) of the last five (5) years to another nonprofit or charitable organization of which it is a local chapter or subsidiary, shall be presumed to be a large corporation. The computation of the above dollar amounts shall be the total for both the charitable nonprofit organization in question and any other such organization, if such other organization:

(a) Has the power to appoint a majority of the governing body of the organization in question;

(b) Has or exercises the authority to direct or control the work of the officers or employees of the organization in question;

(c) Provides half or more of the gross revenues of the organization in question; or

(d) Franchises or charters the organization in question, or permits the organization in question to use its name and/or organizational symbols in the conduct of the fund-raising activities of the organization in question.

(2) No endorsement to the on-sale license shall be granted to any on-sale licensee for a large organization until thirty (30) days after the effective date of this ordinance [Ordinance No. 17613]. If there are more than five (5) qualified applicants for such endorsement, the council shall by motion set a future regular council meeting date at which five (5) such applicants shall be selected for the issuance of the liquor endorsements authorized herein. Such selection shall be by lot in accordance with the procedures indicated in section 409.16(e)(2) (excepting the payment of the special issuance excise tax). Not less than thirty (30) days after one (1) of such endorsements is revoked, denied or lapses for any reason, the council may establish a date for random selection among otherwise qualified applicants as provided above. If the number of applicants at any time is equal to or less than five (5), or less than the number needed to bring the total of such endorsements issued to five (5), then the council may issue such endorsements in the regular manner.

(3) The large organizations authorized to operate in on-sale licensed premises as provided for in this paragraph (c) shall be required to comply with all applicable requirements of law and of sections 409.21 through 409.23, including the payment of ten (10) percent of their net profits without allowance for cash shortages from selling paddlewheel tickets, pull-tabs, raffle tickets and tipboards as provided by section 409.22(11).

(4) The term "large organization" for the purpose of subsection (c) shall not include a club as defined in section 409.02 of this chapter where such club has an on-sale intoxicating liquor license issued under this chapter and

the only charitable gambling carried out on the licensed premises is operated by the club itself in conformity with applicable state and municipal licenses and regulations thereunder.

(d) *Number of establishments restricted.* No state licensed charitable organization shall sell paddlewheel tickets, pull-tabs, raffle tickets, bingo paper and/or tipboards in more than six (6) establishments licensed by the city for the sale of intoxicating liquor in accordance with section 409.22.

(Ord. No. 17321, § 3, 12-31-85; Ord. No. 88-500, § 9, 11-17-88; Ord. No. 17657, § 7, 6-8-89; Ord. No. 17713, § 2, 2-8-90; C.F. No. 92-1065, § 1, 10-5-92; C.F. No. 94-141, § 1, 3-2-94; C.F. No. 94-745, § 1, 6-22-94; C.F. No. 96-394, § 1, 5-8-96; C.F. No. 98-349, § 1, 5-27-98; C.F. No. 03-995, § 1, 11-26-03; C.F. No. 07-149, § 158, 3-28-07; C.F. No. 07-1051, § 1, 11-28-07; C.F. No. 07-1193, § 1, 1-9-08; C.F. No. 08-216, § 1, 3-26-08; Ord 13-26, § 1, 7-17-13)

Cross reference— Gambling, Ch. 270; lawful gambling, Ch. 402; bingo halls, Ch. 403; game rooms, Ch. 406.

Sec. 409.22. - Charitable gambling regulations.

The conducting of bingo and the sale of paddlewheel tickets, pull-tabs, raffle tickets and tipboards in on-sale licensed premises shall be conducted only by qualified and state-licensed charitable organizations. In addition to satisfying the qualifications set forth in Minnesota Statutes, chapter 349, the following regulations and qualifications must be complied with by all such charitable organizations:

(1) Must have been in existence for three (3) years.

(2) Must file an annual financial audit with the department of safety and inspections.

(3) Must file financial reports monthly with the department of safety and inspections.

(4) Must exhibit and sell paddlewheel tickets, pull-tabs, raffle tickets and tipboards in a method as required by the department of safety and inspections.

(5) Shall not commingle game cards.

(6) Shall pay employees in compliance with applicable state and federal law, and any applicable rules and regulations promulgated thereunder.

(7) Shall comply with all provisions of Minnesota Statutes, chapter 349, and all orders issued by the state board pursuant to section 349.172 hereof.

(8) Shall register with the state gambling board all equipment and supplies used in a licensed on-sale liquor establishment.

(9) Shall post in a conspicuous place rules and regulations concerning charitable gambling as required by the department of safety and inspections.

(10) Shall pay to the Youth Program Fund, or to one (1) or more eligible recipients on the list established pursuant to section 409.235, following the procedures established therein, ten (10) percent of the monthly net profits from each city site at which charitable gambling operations are conducted from the sale of paddlewheel tickets, pull-tabs, raffle tickets and tipboards.

(11) Shall expend, in each calendar year, at least seventy-five (75) percent or more of its net proceeds from charitable gambling at city locations to or for purposes which benefit programs or activities occurring in the city trade area. Fifty-one (51) percent of the net proceeds from charitable gambling at city locations must be expended to directly benefit city residents who participate in such programs or activities. The "city trade area" is defined as the City of Saint Paul and each city contiguous to Saint Paul. Contributions to the Saint Paul Youth Fund under sections 409.23 and 409.235 of this chapter shall be presumed to benefit programs and activities which occur in the city trade area, and shall be presumed to directly benefit city residents who participate in such programs or activities.

(Ord. No. 17321, § 4, 12-31-85; Ord. No. 17542, § 1, 3-10-88; Ord. No. 88-500, § 4, 11-17-88; Ord. No. 17652, § 3, 6-1-89; Ord. No. 17678, § 1, 8-29-89; Ord. No. 12214, § 1, 12-27-90; Ord. No. 17843, § 1, 6-18-91; Ord. No. 17869, § 1, 8-20-91; Ord. No. 17916, § 1, 3-26-92; Ord. No. 17925, § 2, 5-28-92; C.F. No. 93-1591, § 1, 11-30-93; C.F. No. 94-745, § 2, 6-22-94; C.F. No. 96-394, § 2, 5-8-96; C.F. No. 07-149, § 159, 3-28-07; C.F. No. 07-1051, § 2, 11-28-07)

Cross reference— Lawful gambling, Ch. 402.

Sec. 409.225. - Posting.

(a) *Inspector's discretion.* The inspector may issue an order requiring an organization selling pull-tabs to post major prizes and the names of major prize winners if he or she has reasonable grounds to believe that the organization, or a person receiving compensation from the organization for participating in the sale of pull-tabs, has been or is providing information to a player or players that provides an unfair advantage related to the potential winnings from pull-tabs. The information posted shall comply with the requirements of Minnesota Statutes, Section 349.172, subdivision (2).

(b) *Notice.* The inspector must notify the organization at least fourteen (14) days before the order becomes effective. The notice to the organization must describe the organization's right to a hearing under the provisions of section 310.05 of this Legislative Code.

(c) *Hearing.* An organization to which the inspector issues an order under this section may request a hearing under section 310.05 of this Legislative Code. The request for a hearing shall not delay the effective date of the order.

(C.F. No. 94-745, § 3, 6-22-94)

Sec. 409.23. - Fund established; administration.

(a) *Youth program fund.* There is hereby established a special fund for the administration and distribution of the proceeds contributed by charitable gambling in on-sale liquor establishments as specified in this chapter. This fund shall be known as the "Youth Program Fund." The purpose of this fund shall be to assist in providing fee waivers for youth programs organized and run by the Department of Parks and Recreation.

(b) *Limitations on use of funds.*

(1) Funds are to be used solely for the purpose of waiving or reducing the fees for participation by Saint Paul residents between the ages of 2 and 18, in city-sponsored and run youth recreation or educational programs. Youth who are of age must be actively enrolled and attending school to qualify.

(2) No part of the funds deposited in the Youth Program Fund shall be used for any part of the costs of administration or regulation of such fund.

(3) Funds are not to be deposited in the city's general fund, but must be placed in a special fund designated specifically for this use.

(c) *Eligibility for fee waivers.*

(1) Eligibility for fee waivers shall be determined on an annual basis.

(2) Annual allocations are provided per calendar year and cannot be carried forward.

(3) The maximum annual per qualifying child allocation shall be set annually by the Director of Parks and Recreation.

(4) Fee waiver allocations shall be based upon the Federal Poverty Level Guidelines, with qualifying youth whose family income is at or below 130% of the Federal Poverty Level Guideline eligible for a fee waiver equal to 90% of the original total program offering fee, and qualifying youth whose family income is greater than 130% but at or

below 185% of the Federal Poverty Level Guideline eligible for a fee waiver equal to 75% of the original total program offering fee. The minimum amount of payment shall be $1.00 per course offering.

(5) Maximum annual per child allocations shall also be based upon the Federal Poverty Level Guidelines, with qualifying youth whose family income is at or below 130% of the Federal Poverty Level Guideline eligible for 100% of the annual maximum per child allocation, and qualifying youth whose family income is greater than 130% but at or below 185% of the Federal Poverty Level Guideline eligible for 75% of the annual maximum per child allocation.

(6) Fee waiver assistance is contingent upon a funding balance in the Youth Program Fund.

(Ord. No. 17321, § 5, 12-31-85; Ord. No. 17613, § 6, 11-17-88; Ord. No. 17925, § 1, 5-28-92; C.F. No. 94-745, § 4, 6-22-94; C.F. No. 07-293, § 1, 4-25-07; C.F. No. 09-81, § 14, 2-11-09)

Sec. 409.235. - Contributions to eligible recipients.

(a) *Eligible recipients list established.* A list of recipients eligible for distribution of proceeds contributed by charitable gambling in on-sale liquor establishments as specified in this chapter, and in private clubs and other places as provided in section 402.10 of these chapters will be promulgated annually by resolution by the city council upon the advice and report of one (1) employee designated by the department of safety and inspections and one (1) employee designated by the department of parks and recreation. Such list may be amended from time to time by the city council to add or delete recipients. Such list will be maintained for public inspection in the office of the city clerk and shall be distributed at least annually to all organizations conducting charitable gambling within the City of Saint Paul by the department of safety and inspections and posted and regularly updated on the city's website.

(b) *Applicant qualifications for inclusion on list.* Applicants will be required to apply annually and must meet the following requirements in order to be included on the list:

(1) Applicants must be incorporated, nonprofit organizations formed solely for the purpose of serving Saint Paul youth, or having an incorporated, nonprofit organization, which provides programs for Saint Paul youth, as a fiscal agent. Booster clubs, which provide programs for youth, organized for a recreation center will be eligible, but organized clubs, activities and teams of public or private schools, will not be eligible. Evidence that an organization has been recognized by the IRS as exempt from taxation pursuant to 26 U.S.C. Section 501 or is using an organization so recognized as a fiscal agent shall be accepted as proof that it is a nonprofit organization, but such evidence is not the exclusive method of establishing nonprofit status.

(2) The majority of the organization's funding must be used for the benefit of the public in providing youth programs for youth twenty (20) and under, at least seventy-five (75) percent of whom are residents of the city. Additionally, applicants must demonstrate that they serve youth in need by showing that the majority of the participants in the program: 1) are residents of neighborhoods which have been identified as areas of concentrated poverty where forty (40) percent or more of residents have family or individual incomes that are less than one hundred eight-five (185) percent of the federal poverty threshold ("ACP"), or neighborhoods which have been identified as an ACP where fifty (50) percent or more of the residents are people of color ("ACP50"); or 2) are eligible for free- or reduced-price lunch; or 3) attend a community eligibility provision (CEP) school, a non-pricing meal service option for schools and school districts in low-income areas; or 4) be a booster club organized for a recreation center located in an ACP or ACP50 area.

(3) Applicants must: address one (1) or more of the barriers (cost, lack of transportation, language, and cultural) to access to high quality youth programming.

(4) No other organization will be eligible for inclusion on the list.

(c) *Requirements for applications for inclusion on the list.*

(1) Each applicant for inclusion on the list must provide a statement setting forth: 1) its stated purpose; 2) the geographic areas the organization, program, or activity serves; 3) the number of participants served, the percentage of those who are Saint Paul residents, and how they meet the criteria for need; 4) how the organization will work to reduce barriers of access to programming; and 5) identifying how it will measure results.

(2) The submitting organization must provide at the time of application:

a. Verification of nonprofit status and copy of organizational bylaws.

b. List of current officers or directors.

c. Letter verifying organization's approval of the proposal and, where necessary, letter verifying approval of the application and proposal by the board of the fiscal agent.

d. Amount requested.

e. Proposed budget (expenses and income) for the activity.

f. Evidence that insurance, if needed, can be obtained by the organization.

(3) No organization operating charitable gambling in the State of Minnesota will be eligible for inclusion on the list.

(4) An organization formed, incorporated, operated or managed by the members, officers or directors of any organization operating or conducting lawful gambling, or subject to the requirements for contributions under sections 409.22(1) or 402. 10 of the Legislative Code, or the ten (10) percent contribution requirement in this section, shall not be an eligible recipient.

(5) An eligible recipient, as a condition to continuation on the list, may not engage in or operate charitable gambling nor use any contributions received as a result of its status as an eligible recipient for anything other than a lawful purpose.

(d) *Contributions required.* Organizations conducting charitable gambling within the City of Saint Paul shall, to meet requirements imposed by law, including, but not limited to, sections 402.10 and 409.22(14) of the Saint Paul Legislative Code, give ten (10) percent as required therein to one (1) or more eligible recipients on the list promulgated by the city council or to the youth program fund established under section 409.23.

(e) *Affidavit.* Each eligible recipient shall annually, during the month of January, file an affidavit with the youth program fund manager stating that the contributions which it received during the previous calendar year have been expended for a lawful purpose and state the purpose, that all previous contributions, if any, have been expended for lawful purposes, that the calendar-year total of contributions received as a result of its status as an eligible recipient does not exceed the allowable amount under the ordinance, that it does not operate any gambling activities, and that no such contribution or any previous contribution will be or has been used for capital expenses, salaries or travel expenses except as may be allowed herein.

(f) *Limitations on award and use of funds.* Funds may not be used for capital expenses, nor for salaries or travel expenses, but may be expended for an individual or team representing the city or state in the state or national championship tournament in that sport or activity, or from the city where such individual or team has qualified for the state or national championship tournament in that sport or activity by competing in and winning the championship of a tournament in the city or state; provided, that travel expenses shall not be paid for any invitational tournament, qualifying tournament or other tournament. The term " championship tournament" means that such tournament is sanctioned as such by the governing body of that sport or activity. Funds may also be expended for reasonable bus rental for same-day trips for special events or activities.

(g) Programs will be limited to eight thousand dollars ($8,000.00) in contributions each year.

(h) *Contribution of checks through the city.* Notwithstanding any other provision of law to the contrary, an organization conducting charitable gambling shall make its contribution to an eligible recipient on the list by sending its check payable to the City of Saint Paul and indicating the intended recipient. The license inspector shall verify that the intended eligible recipient has complied with all requirements of this chapter and that the proposed contribution will not exceed the allowable limits, nor be in excess of eight thousand dollars ($8,000.00) for that calendar year. If all requirements of law have been satisfied, the director of safety and inspections shall disburse a check for such contribution to the intended eligible recipient by mail.

(i) *Alternate compliance.* Notwithstanding any provision of law to the contrary, any organization conducting charitable gambling within the City of Saint Paul may satisfy its obligations under paragraph (e) above and sections 402.10 and 409.22(14) of the code to give ten (10) percent of its net profits to eligible recipients by, in lieu thereof, contributing such ten (10) percent to the youth program fund established under section 409.23 of the code.

(Ord. No. 17652, § 4, 6-1-89; Ord. No. 17925, § 4, 5-28-92; C.F. No. 96-394, § 3, 5-8-96; C.F. No. 07-149, § 160, 3-28-07; C.F. No. 07-293, § 2, 4-25-07; Ord 19-14, § 2, 5-1-19)

Sec. 409.24. - Reserved.

Editor's note— C.F. No. 06-576, § 1, adopted July 26, 2006, amended the Code by repealing former § 409.24 in its entirety. Former § 409.24 pertained to gambling managers; and derived from Ord. No. 17321, adopted December 31, 1985; Ord. No. 17666, adopted July 13, 1989; Ord. No. 17678, adopted August 29, 1989; C.F. No. 93-1591, adopted November 30, 1993; C.F. No. 94-745, adopted June 22, 1994.

Sec. 409.25. - Temporary wine and liquor licenses.

(a) *Wine licenses.* Notwithstanding any other provision of this chapter, a club or charitable, religious or other nonprofit organization in existence for at least three (3) years, or a political committee registered under Minn. Stats., Section 10A.14, or a state university may obtain an on-sale license to sell wine and strong beer not exceeding fourteen (14) percent alcohol by volume for consumption on the licensed premises only. The fee for such license shall be established by ordinance as provided in section 310.09(b) of the Legislative Code, and such license may authorize the on-sale of wine for not more than four (4) consecutive days. The city shall not authorize more than three (3) four-day, four (4) three-day, six (6) two-day or twelve (12) one-day temporary licenses, in any combination not to exceed twelve (12) days per year for the sale of wine to any one (1) location within the city for a twelve-month period. The city may not issue more than one (1) such license to any one (1) organization or political committee, or any one (1) location, within a thirty-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.

(b) *Wine licenses for festivals.* The city may issue a temporary on-sale and off-sale wine license to a bona fide association of owners and operators of wineries sponsoring an annual festival to showcase wines produced by members as authorized by Minn. Stat. § 340A.4175.

(c) *Liquor licenses.* Notwithstanding any other provision of this chapter, a club or charitable, religious or other nonprofit organization in existence for at least three (3) years, a political committee registered under Minn. Stats. § 10A.14, a state university, a brewer who manufactures fewer than three thousand five hundred (3,500) barrels of malt liquor in a year, or a microdistillery may obtain an on-sale license to sell intoxicating liquor for consumption on the licensed premises only and in connection with a social event within the city sponsored by the licensee. The license may provide that the licensee may contract for intoxicating liquor catering services with the holder of a full year on-sale intoxicating liquor license issued by the city. The fee for such license shall be as set forth in section 310.09(b) and

310.18 of the Saint Paul Legislative Code. The license shall not authorize the on-sale of intoxicating liquor for more than four (4) consecutive days. The city shall not authorize more than three (3) four-day, four (4) three-day, six (6) two-day, or twelve (12) one-day temporary licenses, in any combination not to exceed twelve (12) days per year for the sale of intoxicating liquor to any one (1) location within the city for a twelve-month period. The city may not issue more than one (1) such license to any one (1) organization or political committee, or any one (1) location, within a thirty-day period unless the licenses are issued in connection with an event officially designated a community festival by the municipality.

(d) *Application.* Application for such temporary licenses shall be made on forms provided by the inspector and shall contain such information as specified by the inspector, including the following:

(1) The name, address and purpose of the organization, together with the names and addresses of its officers, and evidence of nonprofit status or of its status as a club under section 409.02 above.

(2) The purpose for which the temporary license is sought, together with the place, dates and hours during which wine or intoxicating liquor will be sold.

(3) Consent of the owner or manager of the premises or person or group with lawful responsibility for the premises.

(4) Evidence that the manager or director has received alcohol awareness training provided by a bona fide instructor or the city.

(e) *Application of other provisions of this chapter.* No other provisions of this chapter shall apply to licenses granted under this section, except sections 409.06, 409.065, 409.07, 409.08 (except clauses (11) and (12)), and sections 409.09 through 409.14.

(f) *Class T license.* Notwithstanding any other provision of law to the contrary, the temporary wine and liquor licenses provided in this section shall be administered as a Class T license and subject to the provisions of these chapters governing Class T licenses. The inspector shall make all referrals as provided by section 310.03, but the director may require the inspector to issue such license before receiving any recommendations on the application thereof if necessary to issue such license on a timely basis.

(Ord. No. 17459, § 1, 5-28-87; Ord. No. 17569, § 4, 6-7-88; Ord. No. 17853, § 1, 7-18-91; C.F. No. 94-1561, § 2, 11-16-94; C.F. No. 97-566, § 1, 6-4-97; C.F. No. 98-550, § 1, 7-22-98; C.F. No. 00-1044, § 1, 11-22-00; C.F. No. 03-128, § 3, 3-5-03; C.F. No. 08-79, § 1, 2-27-08; Ord 15-29, § 5, 5-27-15; Ord 18-67, § 1, 1-9-19)

Sec. 409.26. - Intoxicating liquor; nonintoxicating malt liquor; presumptive penalties.

(a) *Purpose.* The purpose of this section is to establish a standard by which the city council determines the length of license suspensions and the propriety of revocations, and shall apply to all on-sale and off-sale licensed premises for both intoxicating liquor under this chapter and nonintoxicating liquor under chapter 410. These penalties are presumed to be appropriate for every case; however the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so. When deviating from these standards, the council shall provide written reasons that specify why the penalty selected was more appropriate.

(b) *Presumptive penalties for violations.* Adverse penalties for convictions or violations shall be presumed as follows (unless specified, numbers below indicate consecutive days' suspension):

			Appearance		
	Type of Violation	1st	2nd	3rd	4th

(1)	Commission of a felony related to the licensed activity.	Revocation	NA	NA	NA
(2)	Sale of alcohol beverages while license is under suspension.	Revocation	NA	NA	NA
(3)	Sale of alcoholic beverages to underage person.	500.00	1,000.00	Up to 18	Revocation
(4)	Sale of alcoholic beverage to intoxicated person.	500.00	1,000.00	Up to 18	Revocation
(5)	After hours sale of alcoholic beverages.	500.00	6	18	Revocation
(6)	After hours display or consumption of alcoholic beverage.	500.00	4	12	Revocation
(7)	Refusal to allow city inspectors or police admission to inspect premises.	5	15	Revocation	NA
(8)	Illegal gambling on premises.	500.00	6	18	Revocation
(9)	Failure to take reasonable steps to stop person from leaving premises with alcoholic beverage.	500.00	4	12	Revocation
(10)	Failure to make application for license renewal prior to license expiration date.	500.00	6	18	Revocation
(11)	Sale of intoxicating liquor where only license is for nonintoxicating liquor.	500.00	6	18	Revocation
(12)	Failure to comply with statutory, and ordinance requirements for liability insurance.	10	Revocation	NA	NA

For on-sale intoxicating liquor establishments with a seating capacity of one hundred fifty (150) or more, the monetary penalty for any violation (including violations found in chapter 310) shall be doubled.

For off-sale intoxicating liquor establishments with five thousand one (5,001) or more square feet of retail space, the monetary penalty for any violation (including violations found in chapter 310) shall be doubled.

A licensee who would be making a first appearance before the council may elect to pay the fine to the department of safety and inspections without an appearance before the council, unless the notice of violation has indicated that a hearing is required because of circumstances which may warrant deviation from the presumptive penalty. Payment of the recommended fine will be considered to be a waiver of the hearing to which the licensee is entitled, and shall be considered an "appearance" for the purpose of determining presumptive penalties for subsequent violations.

(c) *Multiple violations.* At a licensee's first appearance before the city council, the council shall consider and act upon all the violations that have been alleged and/or incorporated in the notices sent to the licensee under the administrative procedures act up to and including the formal notice of hearing. The council in that case shall consider the presumptive penalty for each such violation under the "1 st Appearance" column in paragraph (b) above. The occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion.

Violations occurring after the date of the notice of hearing that are brought to the attention of the city attorney prior to the hearing date before an administrative law judge (or before the council in an uncontested facts hearing) may be added to the notice(s) by stipulation if the licensee admits to the facts, and shall in that case be treated as though part of the "1 st Appearance." In all other cases, violations occurring after the date of the formal notice of hearing shall be the subject of a separate proceeding and dealt with as a "2 nd Appearance" before the council.

The same procedures shall apply to a second, third or fourth appearance before the council.

(d) *Subsequent appearances.* Upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance.

(e) *Computation of time.*

(1) *Second appearance.* A second violation within twelve (12) months shall be treated as a second appearance for the purpose of determining the presumptive penalty.

(2) *Third appearance.* A third violation within eighteen (18) months shall be treated as a third appearance for the purpose of determining the presumptive penalty.

(3) *Fourth appearance.* A fourth violation within twenty-four (24) months shall be treated as a fourth appearance for the purpose of determining the presumptive penalty.

(4) Any appearance not covered by subsections (1), (2) or (3) above shall be treated as a first appearance. Measurement of the twelve-, eighteen- or twenty-four-month period shall be as follows: The beginning date shall be the earliest violation's date of appearance before the council, and the ending date shall be the date of the new violation. In case of multiple new violations, the ending date to be used shall be the date of the violation last in time.

(5) For the purpose of a second, third or fourth appearance under this section, "violation" shall mean either one of those violations listed in paragraph (b) or a violation of section 310.05(m).

(f) *Other penalties.* Nothing in this section shall restrict or limit the authority of the council to suspend up to sixty (60) days, revoke the license, or impose a civil fine not to exceed two thousand dollars ($2,000.00), to impose conditions or take any other adverse action in accordance with law, provided, that the license holder has been afforded an opportunity for a hearing in the manner provided for in section 310.05 of this Code.

(g) *Effect of responsible business practices in determining penalty.* In determining the appropriate penalty, the council may, in its discretion, consider evidence submitted to it in the case of uncontested adverse actions or submitted to a

hearing examiner in a contested hearing upon which findings of fact have been made that a licensee has followed or is likely to follow in the future responsible business practices in regard to sales to intoxicated persons and sales to minors.

(1) For the purposes of service to intoxicated persons, evidence of responsible business practices may include, but is not limited to, those policies, procedures and actions that are implemented at time of service and that:

a. Encourage persons not to become intoxicated if they consume alcoholic beverages on the defendant's premises;

b. Promote availability of nonalcoholic beverages and food;

c. Promote safe transportation alternatives other than driving while intoxicated;

d. Prohibit employees and agents of defendant from consuming alcoholic beverages while acting in their capacity as employees or agents;

e. Establish promotions and marketing efforts that publicize responsible business practices to the defendant's customers and community;

f. Implement comprehensive training procedures;

g. Maintain an adequate, trained number of employees and agents for the type and size of defendant's business;

h. Establish a standardized method for hiring qualified employees;

i. Reprimand employees who violate employer policies and procedures; and

j. Show that the licensee has enrolled in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.

(2) For the purposes of service to minors, evidence of responsible business practices may include, but is not limited to, those listed in subsection (1) and the following:

a. Management policies that are implemented at the time of service and that ensure the examination of proof of identification (as established by state law) for all persons seeking service of alcoholic beverages who may reasonably be suspected to be minors;

b. Comprehensive training of employees who are responsible for such examination regarding the detection of false or altered identification; and

c. Enrollment by the licensee in recognized courses providing training to self and one (1) or more employees of the licensed establishment in regard to standards for responsible liquor service.

(Ord. No. 17556, § 1, 4-28-86; Ord. No. 17657, § 14, 6-8-89; Ord. No. 17675, § 1, 8-22-89; Ord. No. 17694, § 2, 11-7-89; Ord. No. 17756, § 1, 8-7-90; Ord. No. 17924, §§ 2, 3, 5-7-92; C.F. No. 92-1929, § 1, 2-9-93; C.F. No. 97-1445, § 1, 12-30-97; C.F. No. 98-866, § 1, 11-4-98; C.F. No. 07-149, § 161, 3-28-07; C.F. No. 10-818, § 1, 8-25-10; Ord. No. 11-92, § 1, 9-28-11; Ord 12-41, § 1, 8-22-12)

Sec. 409.27. - 2:00 a.m. closing licenses.

(a) *Issuance of license.* A 2:00 a.m. closing license may be issued, subject to the approval of the liquor control commissioner, to the proprietor of any establishment that holds an on-sale intoxicating liquor license issued under this chapter provided that the licensee obtains a permit from the state, and pays the license fee in the amount listed in section 310.18 of this Code.

(b) *Notice.* Prior to issuance of a new 2:00 a.m. closing license, the department of safety and inspections shall notify by mail all owners of residential property within three hundred fifty (350) feet of the establishment to be licensed and all community organizations that have previously registered with such department. The three hundred fifty (350) feet

calculated and computed as the distance measured in a straight line from the property line where intoxicating liquor is sold, consumed or kept for sale to the nearest point of the property line owned. If the director is recommending issuance of the license, but the affected neighborhood organization(s) or other interested persons give notice within forty-five (45) days of receipt of the notice, objection to issuance of the license, the matter shall be referred for a hearing before the legislative hearing officer, who shall give notice of the time, place and date of the hearing to the affected neighborhood organization(s) and the applicant. The legislative hearing officer shall take testimony from all interested persons and shall make a recommendation to the council at a public hearing held to consider the license as to whether the matter should be referred for a hearing before an independent hearing examiner in accordance with the procedures set forth in section 310.05. If the new 2:00 a.m. closing license is issued in conjunction with any new on-sale license, then the notice provisions applicable to the on-sale license shall apply.

(c) *Existing permit holders.* Establishments holding a 2:00 a.m. permit on June 1, 2009 shall be eligible for a 2:00 a.m. license when the licensee's state permit is due to be renewed. The licensee shall be subject to the fee under section 310.18. Licensee's holding 2:00 a.m. permits on June 1, 2009 shall not be subject to the notification requirements outlined in (b) above.

(C.F. No. 09-477, § 1, 5-27-09)

Sec. 409.28. - Brewer taproom licenses.

(a) *Definition.* A brewer taproom license shall mean a license authorizing the on-sale of malt liquor produced by a brewer for consumption on the premises of or adjacent to one (1) brewer location owned by the brewer.

(b) *Issuance of license; fee; conditions of license.* Brewer taproom licenses may be issued to the holder of a brewer's license under Minn. Stat. § 3409A.301, subd. 6(c), (i) or (j). Said license may be issued without regard to section 409.03 limitations and are subject to the following conditions:

(1) The license fee shall be paid in the amount listed in section 310.18 of this code.

(2) The license shall be valid consistent with the hours of sale provided in section 409.07(a) and (c).

(3) A brewer may only hold one (1) brewer taproom license under this section.

(4) A buyer's card is not required of an applicant for a brewer taproom license under this section.

(5) The only alcoholic beverages sold or consumed on the premises of the taproom will be malt liquor produced by the brewer upon the brewery premises.

(6) No taproom shall be located across a public right-of-way such as a street or alley from the brewery location.

(7) All other provisions of this chapter shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

(c) *Public hearing; notices.* No new brewer taproom license shall be issued until the council shall have first held a public hearing on the application. The notification requirements applicable to license transfers or change in section 409.11 shall be applicable in the issuance of such new licenses; provided, however, that the notification requirements may be waived by the city council under the procedure described in section 409.06(d).

(d) Nothing in this section shall preclude the holder of a brewer taproom license from also holding a license to operate a restaurant at the taproom location.

(Ord. No. 11-61, § 1, 7-13-11; Ord 14-29, § 1, 8-6-14)

Sec. 409.29. - Off-sale wine only licenses.

(a) *Definition.* Off-sale wine only shall mean an off-sale license that includes a license condition limiting the type of

liquor sold to wine, as defined in Minn. Stat. § 297G.01, Subd. 20.

(b) *Issuance of license; fee; conditions of license.* A holder of an off-sale wine only license is subject to the same terms as a holder of an off-sale license under Minn. Stat. § 340A.405 and chapter 409 of this code. In addition, an off-sale wine only license is subject to the following conditions:

(1) The license fee shall be paid in the amount listed for an off-sale license in section 310.18 of this code.

(2) The license shall be valid on all days of the week consistent with the hours of sale provided by section 409.07 (b).

(3) A licensee may not hold both an off-sale license and an off-sale wine only license. A licensee may hold only one (1) off-sale wine only license under this section.

(4) The only alcoholic beverages sold may be wine as defined in Minn. Stat. § 297G.01, Subd. 20, in original packages in retail stores for consumption off or away from the premises where sold.

(5) All other provisions of this chapter shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

(Ord. No. 12-11, § 2, 3-28-12)

Sec. 409.30. - District rules.

(a) All licensees within the downtown entertainment district, the great lawn entertainment district and the creative enterprise zone entertainment district must comply with all laws, rules, and regulations which govern their license type, including the provisions of this section, and all license conditions.

(b) Patrons and guests of a licensee may exit the licensed premises with open containers of alcoholic beverages within the confines of the downtown entertainment district, the great lawn entertainment district and the creative enterprise zone entertainment district only if the city has granted a block party permit pursuant to Legislative Code sections 366.03-366.07 and only within the block party permitted area. Licensee patrons and guests may not enter another licensed premises with open or closed containers of alcoholic beverages.

(c) No licensee within the downtown entertainment district, the great lawn entertainment district or the creative enterprise zone entertainment district shall allow beverages to be removed from the licensed premises in any bottles or glass containers.

(Ord 12-47, § 1, 9-12-12; Ord 15-17, 4-22-15; Ord 15-74, 12-9-15; Ord 19-49, § 3, 8-7-19; Ord 19-79, § 2, 1-22-20)

Sec. 409.31. - Microdistillery cocktail room licenses.

(a) *Definition.* A microdistillery cocktail room license shall mean a license authorizing the on-sale of distilled spirits produced by a microdistillery for consumption on the premises of or adjacent to one (1) microdistillery location owned by the microdistiller.

(b) *Issuance of license; fee; conditions of license.* Microdistillery cocktail room licenses may be issued to the holder of a microdistiller's license under Minn. Stat. § 340A.22. Said license may be issued without regard to section 409.03 limitations and are subject to the following conditions:

(1) The license fee shall be paid in the amount listed in section 310.18 of this Code.

(2) The license shall be valid consistent with the hours of sale provided in section 409.07(a).

(3) A microdistiller may only hold one (1) cocktail room license under this section.

(4) A buyer's card is not required of an applicant for a microdistillery cocktail room license under this section.

(5) The only alcoholic beverages sold or consumed on the premises of the cocktail room will be distilled spirits

produced by the microdistiller upon the microdistillery premises.

(6) No microdistillery cocktail room shall be located across a public right-of-way such as a street or alley from the microdistillery location.

(7) All other provisions of this chapter shall be applicable to such licenses and licensees unless inconsistent with the provisions of this section.

(c) *Public hearing; notices.* No new microdistillery cocktail room license shall be issued until the council shall have first held a public hearing on the application. The notification requirements applicable to license transfers or change in section 409.11 shall be applicable in the issuance of such new licenses; provided, however, that the notification requirements may be waived by the city council under the procedure described in section 409.06(d).

(d) Nothing in this section shall preclude the holder of a microdistillery cocktail room license from also holding a license to operate a restaurant at the cocktail room location.

(Ord 14-29, § 1, 8-6-14; Ord 15-29, § 6, 5-27-15)

RECEIVED
By: OAH on 7/25/2022 4:07 PM

OFFICE OF ADMINISTRATIVE HEARINGS PO Box 64620 St. Paul, Minnesota 55164-0620 (651) 361-7900 FAX (651) 539-0310	SUBPOENA REQUEST FORM Minn. R. 1400.7000 OAH File No. 71-6020-38398 Request Date: July 25, 2022
Name of Judge: Jessica A. Palmer-Denig	**Type of Subpoena** (Check one) Hearing Presence _X_ Document Production ___ Deposition ____

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

Requesting Party or Attorney	**Person Being Served**
Therese Skarda St. Paul City Attorney's Office 400 City Hall & Courthouse 15 West Kellogg Boulevard St. Paul, MN 55102 (651) 266-8755	Officer Albert Lyfoung Saint Paul Police Department 367 Grove Street Saint Paul, MN 55101 (651) 266-5555
Therese.Skarda@ci.stpaul.mn.us	Email: Albert.Lyfoung@ci.stpaul.mn.us

Date and Location of Hearing (or Deposition or Return of Documents):

August 15 and 16, 2022 @ 10:30 a.m.
Office of Administrative Hearings
600 Robert Street North
St. Paul, MN 55164-0620

Relevancy of Testimony or Document to be Subpoenaed

Officer Lyfoung will testify regarding the incident detailed in Saint Paul Police Department Incident Report (CN #22-042-088) dated March 13, 2022.

Please Note: There is a $5.00 fee for each subpoena issued. OAH will bill the party/attorney for the subpoenas. *Documents to be produced must be described with specificity on the reverse side of this form.*

A copy of this request must be sent to all other parties.

If you have any questions concerning this subpoena request, please consult Minn. R. 1400.7000, or contact a Staff Attorney at 651-361-7900.

The requesting person is responsible for personal service of the subpoena. Anyone, except the requesting person, may personally serve the subpoena. The requesting person is also responsible for payment to the witness of any statutory fees or costs before the witness' appearance. Minn. Stat. § 357.22 provides for a witness fee of $20.00 per day and travel expenses of 28 cents per mile.

OFFICE OF ADMINISTRATIVE HEARINGS PO Box 64620 St. Paul, Minnesota 55164-0620 (651) 361-7900 FAX (651) 539-0310	SUBPOENA REQUEST FORM Minn. R. 1400.7000 OAH File No. 71-6020-38398 Request Date: July 25, 2022
Name of Judge: Jessica A. Palmer-Denig	**Type of Subpoena** (Check one) Hearing Presence _X_ Document Production ___ Deposition ____

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

Requesting Party or Attorney	Person Being Served
Therese Skarda St. Paul City Attorney's Office 400 City Hall & Courthouse 15 West Kellogg Boulevard St. Paul, MN 55102 (651) 266-8755	Officer Albert Lyfoung Saint Paul Police Department 367 Grove Street Saint Paul, MN 55101 (651) 266-5555
Therese.Skarda@ci.stpaul.mn.us	Email: Albert.Lyfoung@ci.stpaul.mn.us

Date and Location of Hearing (or Deposition or Return of Documents):

August 15 and 16, 2020 @ 10:30 a.m.
Office of Administrative Hearings
600 Robert Street North
St. Paul, MN 55164-0620

Relevancy of Testimony or Document to be Subpoenaed

Officer Lyfoung will testify regarding the incident detailed in Saint Paul Police Department Incident Report (CN #22-042-088) dated March 13, 2022.

Please Note: There is a $5.00 fee for each subpoena issued. OAH will bill the party/attorney for the subpoenas. *Documents to be produced must be described with specificity on the reverse side of this form.*

A copy of this request must be sent to all other parties.

If you have any questions concerning this subpoena request, please consult Minn. R. 1400.7000, or contact a Staff Attorney at 651-361-7900.

The requesting person is responsible for personal service of the subpoena. Anyone, except the requesting person, may personally serve the subpoena. The requesting person is also responsible for payment to the witness of any statutory fees or costs before the witness' appearance. Minn. Stat. § 357.22 provides for a witness fee of $20.00 per day and travel expenses of 28 cents per mile.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

July 25, 2022

VIA EMAIL ONLY
Therese Skarda
Assistant City Attorney
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

VIA EMAIL ONLY
Dennis B. Johnson
Chestnut Cambronne PA
100 Washington Ave S Ste 1700
Minneapolis, MN 55401
djohnson@chestnutcambronne.com

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 71-6020-38398

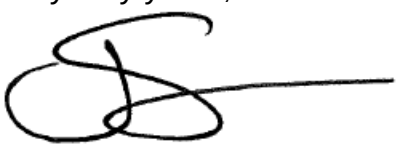
Dear Counsel:

Please be advised that the above-entitled matter has been reassigned to Judge Jessica A. Palmer-Denig. As a result, the docket number has changed slightly.

Enclosed and served upon you please find the **SECOND PREHEARING ORDER** in this matter, which addresses the reassignment.

The hearing in this matter continues to be scheduled for **August 15 and 16, 2022,** at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101. Please note, however, that the hearing will now begin at **10:30 a.m.** on August 15, 2022.

Very truly yours,



JENNY L. STARR
Chief Administrative Law Judge

JLS:nh
cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul	OAH Docket No.: 22-6020-38398

Nichole Helmueller certifies that on July 25, 2022 she served the true and correct **SECOND PREHEARING ORDER** by *courier service, by* placing it in the United States mail with postage prepaid, or by electronic mail, as indicated below, addressed to the following individuals:

VIA EMAIL ONLY
Dennis B. Johnson
Jeffrey O'Brien
Chestnut Cambronne
100 Washington Ave S Ste 1700
Minneapolis, MN 55401
djohnson@chestnutcambronne.com
jobrien@chestnutcambronne.com

VIA EMAIL ONLY
Therese Skarda
Shawn McDonald
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

OAH 71-6020-38398

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

SECOND PREHEARING ORDER

This matter is pending before Administrative Law Judge Jessica A. Palmer-Denig.

Therese Skarda, Assistant City Attorney, appears on behalf of the City of St. Paul (City). Dennis B. Johnson, Chestnut Cambronne, appears on behalf of Respondent Randall Johnson and RJMP Group d/b/a Billy's on Grand (Licensee).

Based upon the files and records herein,

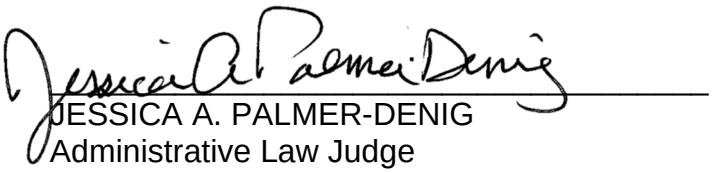
IT IS HEREBY ORDERED:

1. This matter has been transferred to the undersigned. In the future, filings in this matter should be labeled with the revised docket number: **71-6020-38398**.

2. A hearing in this matter is scheduled to be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, on **August 15 and 16, 2022**. On August 15, 2022, the hearing shall begin at **10:30 a.m.**

3. Unless amended herein, the terms of the First Prehearing Order remain in effect.

Dated: July 25, 2022



JESSICA A. PALMER-DENIG
Administrative Law Judge

[177201/1]

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

June 21, 2022

VIA EMAIL ONLY
Dennis B. Johnson
Jeffrey O'Brien
Chestnut Cambronne
100 Washington Ave S Ste 1700
Minneapolis, MN 55401
djohnson@chestnutcambronne.com
jobrien@chestnutcambronne.com

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 22-6020-38398

Dear Counsel:

Enclosed please find the Administrative Law Judge's **FIRST PREHEARING ORDER** in the above-entitled matter. These documents were mailed to you on June 10, 2022, but were returned to the Office of Administrative Hearings as undeliverable.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Therese Skarda (Letter only)
Shawn McDonald (Letter only)

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul	OAH Docket No.: 22-6020-38398

Nichole Helmueller certifies that on June 21, 2022 she served the true and correct **FIRST PREHEARING ORDER** by courier service, by placing it in the United States mail with postage prepaid, or by electronic mail, as indicated below, addressed to the following individuals:

VIA EMAIL ONLY
Dennis B. Johnson
Jeffrey O'Brien
Chestnut Cambronne
100 Washington Ave S Ste 1700
Minneapolis, MN 55401
djohnson@chestnutcambronne.com
jobrien@chestnutcambronne.com

VIA EMAIL ONLY
Therese Skarda
Shawn McDonald
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED
By: OAH on 6/20/2022 10:49 AM

OAH Docket Number: 22-620-38398

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the matter of Liquor on Sale -291 or More Seats, Liquor on Sale- Sunday, Liquor on Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group, doing business as Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul.

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**[1]

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: Randal Johnson, RJMP Group, doing business as Billy's on Grand

Email: Billysongrand21@gmail.com Telephone: 651-292-9140

Mailing Address: 857 Grand Ave, St. Paul, MN 55105

Party's/Agency's Attorney: Dennis B. Johnson, Esq., Jeffrey C. O'Brien, Esq.

Firm Name: Chestnut Cambronne PA

Email: DJohnson@chestnutcambronne.com; jobrien@chestnutcambronne.com

Telephone: 612-336-1298

Mailing Address: 100 Washington Avenue South STE 1700, Minneapolis, MN 55401

Respondent's/Opposing Party's Name: City of St. Paul

Email: _____ Telephone: _____

Mailing Address: _____

[1] In order to opt in to electronic notice, this form must be emailed to OAH.efiling.support@state.mn.us. If the party does not wish to opt in to electronic notice, this form may be filed with the Office of Administrative Hearings via facsimile, U.S. Mail, or personal service. *See* 2015 Minn. Laws Ch. 63, Minn. R. 1400.5550, subps. 2-5 (2017).

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

Dated: 6/10/2022

/Dennis B. Johnson/
Signature of Party/Agency or Attorney

Dated: 6/10/2022

/Jeffrey C. O'Brien/
Signature of Party/Agency or Attorney

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620 PH 651-361-7900
St. Paul MN, 55164-0620
mn.gov/oah

June 10, 2022

VIA EMAIL ONLY

Therese Skarda
Shawn McDonald
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Dennis B. Johnson
Chestnut Cambronne
17 Washington Ave N Ste 300
Minneapolis, MN 55401

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 22-6020-38398

Dear Counsel:

Enclosed and served upon you please find the **FIRST PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Docket Coordinator

OAH 22-6020-38398

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

FIRST PREHEARING ORDER

This matter came before Administrative Law Judge Christa L. Moseng for a prehearing conference on June 7, 2022.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City). Dennis B. Johnson, Chestnut Cambronne, appeared on behalf of Respondent Randall Johnson and RJMP Group d/b/a Billy's on Grand (Licensee).

Based upon the submissions of counsel and the hearing record,

IT IS HEREBY ORDERED:

1. The period for discovery shall close on **July 19, 2022**. All discovery shall be completed by that date. The parties are encouraged to resolve any discovery disputes between themselves but may request a telephone conference if their efforts are unsuccessful. To obtain copies of the agency's file, a party should make a written demand pursuant to Minn. R. 1400.6700 (2021). The parties should not copy the Administrative Law Judge on discovery requests or responses unless such documents are the subject of a filed motion.

2. The parties are encouraged to consider settlement and/or mediation. Requests for a settlement conference or mediation shall be made to the Chief Administrative Law Judge so that she can promptly assign a mediator to conduct the mediation or settlement conference. *See* Minn. R. 1400.5950 and 1400.6550 (2021). Note that both parties must join in a request for mediation.

3. The Administrative Law Judge requests that all memoranda submitted with motions for summary disposition comply with the format set forth in Minn. Gen. R.

Prac. 115.03(d), and include, most importantly, a numbered recital by the moving party of all material facts as to which there is no genuine dispute, along with a specific citation to that part of the record supporting each fact. The party opposing the motion shall, in like manner, make a recital of any material facts claimed to be in dispute.

4. Requests for subpoenas for the attendance of witnesses or for the production of documents shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000 (2021). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at http://mn.gov/oah/forms-and-filing/forms/.

5. Hearings are ordinarily digitally recorded. A copy of the digital recording of the hearing can be obtained by a party who makes a written request. Transcripts of the hearing are not provided unless the cost for such transcription is paid in advance by the party making the request. Any party may arrange to have a court reporter at the hearing. A party shall notify the Office of Administrative Hearings prior to the hearing if the party has arranged for a court reporter to be at the hearing. All logistical and payment arrangements related to court reporters are the responsibility of the requesting party, not the Office of Administrative Hearings. If a transcript is requested by any party, the requesting party is required to provide a copy of the transcript to the Chief Administrative Law Judge. If the assigned judge requests the presence of a court reporter and the preparation of a transcript, the costs of such will be borne by the agency pursuant to Minn. R. 1400.7400, subp. 2 (2021).

6. By **4:30 p.m.** on **August 8, 2022**, the parties shall exchange and file with this Office their proposed pre-labeled exhibits, an index of the proposed exhibits, and their witness lists. *See* Minn. R. 1400.6950 (2021). The City shall label its exhibits sequentially using numbers 1 through 99. The Licensee shall label its exhibits sequentially beginning with the number 100. For hearings held at the Office of Administrative Hearings (OAH), OAH can provide a projector capable of attaching to a laptop or flash drive to display electronic exhibits on a wall in the courtroom. To utilize this technology, parties may bring their own laptops, a flash drive, or a disc containing their electronic exhibits. OAH can provide a laptop, if necessary. If you wish to reserve the projector system, please contact leeann.cary@state.mn.us at least 24 hours prior to the scheduled hearing.

7. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and the foundation for anticipated exhibits. Any party objecting to the foundation for any written exhibit shall notify the offering party and the judge in writing at least two (2) working days prior to the hearing or the foundation objection is considered waived.

8. A hearing in this matter will be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, on **August 15 and 16, 2022**, beginning at **9:30 a.m.** In the event the assigned judge changes the location of

the hearing to videoconference, the judge will communicate that change to the parties via email.

9. The parties have not requested accommodation for a disability nor the appointment of an interpreter. Please advise the Office of Administrative Hearings in writing as soon as possible if either an accommodation or an interpreter is needed.

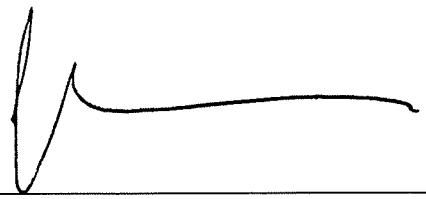
10. Pursuant to Minn. R. 1400.7500 (2021), requests for continuances of a hearing shall be granted only upon a showing of good cause. A request for a continuance filed within five (5) business days of the hearing shall be denied unless the reason for the request could not have been earlier ascertained or unless good cause is shown.

11. Under Minn. R. 1400.6000 (2021), the failure of a party to appear at a prehearing conference or hearing without the prior consent of the Administrative Law Judge shall be considered a default by that party. Upon default, the allegations contained in the Notice and Order for Prehearing Conference or Hearing may be accepted as true, and the City's proposed action may be upheld.

12. If the matter is resolved prior to hearing, please provide written notice to the Office of Administrative Hearings immediately, and provide notice to the Administrative Law Judge by contacting Judge Moseng's legal assistant, Michelle Severson, at michelle.severson@state.mn.us or (651) 361-7874.

13. Any document filed with the Office of Administrative Hearings, or which a party wishes to make part of the record in this matter, may be filed with the Office of Administrative Hearings in any one of the following ways: (1) **by eFiling** through the Office of Administrative Hearings' eFiling system at http://mn.gov/oah/forms-and-filing/efiling/; (2) **by mail**; (3) **by fax**; or (4) **by personal delivery**. *See* Minn. Stat. § 14.58 (2020); Minn. R. 1400.5550, subp. 5 (2021). Attorneys representing government agencies are encouraged to eFile. Any party filing proposed hearing exhibits using the eFiling system or by fax shall also provide a paper copy of the proposed hearing exhibits to the Administrative Law Judge on the same date the exhibits are faxed or eFiled. Filings are effective on the date the Office of Administrative Hearings receives the filing. *See* Minn. R. 1400.5550, subp. 5, .5500 J, Q (2021).

Dated: June 10, 2022



CHRISTA L. MOSENG
Administrative Law Judge

OAH-0659

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620

FIRST CLASS

US POSTAGE PITNEY BOWES
ZIP 55155 $ 000.53⁰
02 4W
0000385742 JUN 10 2022

RECEIVED
JUN 15 2022
Office of Administrative Hearings

Dennis B. Johnson
Chestnut Cambronne
17 Washingt
Minneapolis,

NIXIE 553 FE 1 0006/14/22
RETURN TO SENDER
ATTEMPTED - NOT KNOWN
UNABLE TO FORWARD

ANK BC: 55164062020 *2878-03381-14-29

55164>0620 CO

MINNESOTA
OFFICE OF
ADMINISTRATIVE
HEARINGS

PO Box 64620
Saint Paul, MN 55164-0620
mn.gov/oah

PH (651) 361-7900

June 10, 2022

VIA EMAIL ONLY

Therese Skarda
Shawn McDonald
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Dennis B. Johnson
Chestnut Cambronne
17 Washington Ave N Ste 300
Minneapolis, MN 55401

Re: ***In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul***
OAH 22-6020-38398

Dear Counsel:

Enclosed and served upon you please find the **FIRST PREHEARING ORDER** in the above-entitled matter.

If you have any questions, please contact me at (651) 361-7874, michelle.severson@state.mn.us, or via facsimile at (651) 539-0310.

Sincerely,

Michelle Severson

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Docket Coordinator

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
PO BOX 64620
600 NORTH ROBERT STREET
ST. PAUL, MINNESOTA 55164

CERTIFICATE OF SERVICE

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul	OAH Docket No.: 22-6020-38398

Dara Xiong certifies that on June 10, 2022, she served the true and correct **FIRST PREHEARING ORDER** by courier service, by placing it in the United States mail with postage prepaid, or by electronic mail, as indicated below, addressed to the following individuals:

VIA EMAIL ONLY

Therese Skarda
St. Paul City Attorney's Office
400 City Hall & Courthouse
15 W Kellogg Blvd
Saint Paul, MN 55102
Therese.Skarda@ci.stpaul.mn.us;
shawn.mcdonald@ci.stpaul.mn.us

Dennis B. Johnson
Chestnut Cambronne
17 Washington Ave N Ste 300
Minneapolis, MN 55401

OAH 22-6020-38398

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE CITY OF ST. PAUL

In the Matter of Liquor on Sale - 291 or More Seats, Liquor on Sale - Sunday, Liquor On Sale - 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

FIRST PREHEARING ORDER

This matter came before Administrative Law Judge Christa L. Moseng for a prehearing conference on June 7, 2022.

Therese Skarda, Assistant City Attorney, appeared on behalf of the City of St. Paul (City). Dennis B. Johnson, Chestnut Cambronne, appeared on behalf of Respondent Randall Johnson and RJMP Group d/b/a Billy's on Grand (Licensee).

Based upon the submissions of counsel and the hearing record,

IT IS HEREBY ORDERED:

1. The period for discovery shall close on **July 19, 2022**. All discovery shall be completed by that date. The parties are encouraged to resolve any discovery disputes between themselves but may request a telephone conference if their efforts are unsuccessful. To obtain copies of the agency's file, a party should make a written demand pursuant to Minn. R. 1400.6700 (2021). The parties should not copy the Administrative Law Judge on discovery requests or responses unless such documents are the subject of a filed motion.

2. The parties are encouraged to consider settlement and/or mediation. Requests for a settlement conference or mediation shall be made to the Chief Administrative Law Judge so that she can promptly assign a mediator to conduct the mediation or settlement conference. *See* Minn. R. 1400.5950 and 1400.6550 (2021). Note that both parties must join in a request for mediation.

3. The Administrative Law Judge requests that all memoranda submitted with motions for summary disposition comply with the format set forth in Minn. Gen. R.

Prac. 115.03(d), and include, most importantly, a numbered recital by the moving party of all material facts as to which there is no genuine dispute, along with a specific citation to that part of the record supporting each fact. The party opposing the motion shall, in like manner, make a recital of any material facts claimed to be in dispute.

4. Requests for subpoenas for the attendance of witnesses or for the production of documents shall be made in writing to the Administrative Law Judge pursuant to Minn. R. 1400.7000 (2021). A copy of the subpoena request shall be served on the other parties. A subpoena request form is available at http://mn.gov/oah/forms-and-filing/forms/.

5. Hearings are ordinarily digitally recorded. A copy of the digital recording of the hearing can be obtained by a party who makes a written request. Transcripts of the hearing are not provided unless the cost for such transcription is paid in advance by the party making the request. Any party may arrange to have a court reporter at the hearing. A party shall notify the Office of Administrative Hearings prior to the hearing if the party has arranged for a court reporter to be at the hearing. All logistical and payment arrangements related to court reporters are the responsibility of the requesting party, not the Office of Administrative Hearings. If a transcript is requested by any party, the requesting party is required to provide a copy of the transcript to the Chief Administrative Law Judge. If the assigned judge requests the presence of a court reporter and the preparation of a transcript, the costs of such will be borne by the agency pursuant to Minn. R. 1400.7400, subp. 2 (2021).

6. By **4:30 p.m.** on **August 8, 2022**, the parties shall exchange and file with this Office their proposed pre-labeled exhibits, an index of the proposed exhibits, and their witness lists. *See* Minn. R. 1400.6950 (2021). The City shall label its exhibits sequentially using numbers 1 through 99. The Licensee shall label its exhibits sequentially beginning with the number 100. For hearings held at the Office of Administrative Hearings (OAH), OAH can provide a projector capable of attaching to a laptop or flash drive to display electronic exhibits on a wall in the courtroom. To utilize this technology, parties may bring their own laptops, a flash drive, or a disc containing their electronic exhibits. OAH can provide a laptop, if necessary. If you wish to reserve the projector system, please contact leeann.cary@state.mn.us at least 24 hours prior to the scheduled hearing.

7. To the extent possible, the parties shall enter into prehearing stipulations regarding the facts involved in the hearing and the foundation for anticipated exhibits. Any party objecting to the foundation for any written exhibit shall notify the offering party and the judge in writing at least two (2) working days prior to the hearing or the foundation objection is considered waived.

8. A hearing in this matter will be held at the Office of Administrative Hearings, 600 North Robert Street, St. Paul, Minnesota 55101, on **August 15 and 16, 2022**, beginning at **9:30 a.m.** In the event the assigned judge changes the location of

the hearing to videoconference, the judge will communicate that change to the parties via email.

9. The parties have not requested accommodation for a disability nor the appointment of an interpreter. Please advise the Office of Administrative Hearings in writing as soon as possible if either an accommodation or an interpreter is needed.

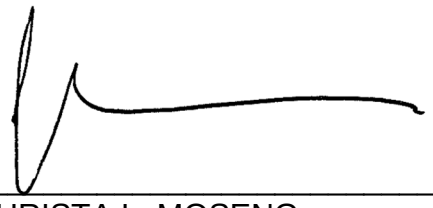
10. Pursuant to Minn. R. 1400.7500 (2021), requests for continuances of a hearing shall be granted only upon a showing of good cause. A request for a continuance filed within five (5) business days of the hearing shall be denied unless the reason for the request could not have been earlier ascertained or unless good cause is shown.

11. Under Minn. R. 1400.6000 (2021), the failure of a party to appear at a prehearing conference or hearing without the prior consent of the Administrative Law Judge shall be considered a default by that party. Upon default, the allegations contained in the Notice and Order for Prehearing Conference or Hearing may be accepted as true, and the City's proposed action may be upheld.

12. If the matter is resolved prior to hearing, please provide written notice to the Office of Administrative Hearings immediately, and provide notice to the Administrative Law Judge by contacting Judge Moseng's legal assistant, Michelle Severson, at michelle.severson@state.mn.us or (651) 361-7874.

13. Any document filed with the Office of Administrative Hearings, or which a party wishes to make part of the record in this matter, may be filed with the Office of Administrative Hearings in any one of the following ways: (1) **by eFiling** through the Office of Administrative Hearings' eFiling system at http://mn.gov/oah/forms-and-filing/efiling/; (2) **by mail**; (3) **by fax**; or (4) **by personal delivery**. *See* Minn. Stat. § 14.58 (2020); Minn. R. 1400.5550, subp. 5 (2021). Attorneys representing government agencies are encouraged to eFile. Any party filing proposed hearing exhibits using the eFiling system or by fax shall also provide a paper copy of the proposed hearing exhibits to the Administrative Law Judge on the same date the exhibits are faxed or eFiled. Filings are effective on the date the Office of Administrative Hearings receives the filing. *See* Minn. R. 1400.5550, subp. 5, .5500 J, Q (2021).

Dated: June 10, 2022



CHRISTA L. MOSENG
Administrative Law Judge

RECEIVED
By: OAH on 6/2/2022 3:12 PM

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Shawn McDonald, being first duly sworn, deposes and says that on the 2nd day of June, he served the attached **NOTICE OF PREHEARING TELEPHONE CONFERENCE** and a correct copy thereof in an envelope addressed as follows:

Dennis Johnson
Attorney at Law
Chestnut Cambronne, P.A.
100 Washington Avenue South, Suite 1700
Minneapolis, MN 55401

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.

Shawn McDonald

Subscribed and sworn to before me
This 2nd day of June 2022

Notary Public

JULIE ANNE KRAUS
Notary Public-Minnesota
My Commission Expires Jan 31, 2025

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

June 2, 2022

NOTICE OF PREHEARING TELEPHONE CONFERENCE

RJMP Group Inc.
d/b/a Billy's On Grand
857 Grand Avenue
St. Paul, MN 55105-3377
Attn: Dennis Johnson, Attorney at Law, 100 Washington Avenue South, Suite 1700, Minneapolis, MN 55401

RE: Liquor on Sale – 291 or More Seats, Liquor on Sale – Sunday, Liquor On Sale – 2AM Closing, Liquor Outdoor Service Area – Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group Inc. d/b/a Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul
License ID #: 20200000158
OAH Docket No.: 22-6020-38398

Dear Mr. Johnson:

Please take notice that a **PREHEARING TELEPHONE CONFERENCE** has been scheduled concerning the Liquor on Sale – 291 or More Seats, Liquor on Sale – Sunday, Liquor On Sale – 2AM Closing, Liquor Outdoor Service Area – Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group Inc. d/b/a Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul.

Date: **Tuesday, June 7, 2022**
Time: **9:30 a.m.**

Call in information: 1-(866)-705-2554
Conference Code: 790 480#

The hearing will be presided over by an Administrative Law Judge from the State of Minnesota Office of Administrative Hearings:

Name: **Judge Christa Moseng**
Office of Administrative Hearings
600 North Robert Street
St. Paul, MN 55101
Telephone: **(651) 361-7900**

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Evidence will be presented to the administrative law judge that may lead to adverse action against the Liquor on Sale – 291 or More Seats, Liquor on Sale – Sunday, Liquor On Sale – 2AM Closing, Liquor Outdoor Service Area – Patio, and Entertainment B Licenses held by Randall Johnson, RJMP Group Inc. d/b/a Billy's on Grand for the premises located at 857 Grand Avenue in Saint Paul.

The Department of Safety and Inspections ("Department") has recommended adverse action against the Liquor on Sale –291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by R Randall Johnson, RJMP Group, ("Licensee") herein for the premises known as Billy's on Grand located at 857 Grand ("Licensed Premises") based on violations of your license conditions.

Records at the Department show that this is your second violation within one year. On February 8, 2022, Licensee paid a $500 matrix penalty and agreed to the imposition of additional conditions on the Licenses as resolution of an adverse action that involved numerous violations including allowing alcohol to leave the premises and failure to provide video.

Background:

In the normal course of his duties Sgt. Graupman, the SPPD officer assigned to DSI, became aware of a number of calls for service to the Licensed Premises and near the Licensed Premises that he believed required further investigation for potential licensing violations. Those calls included a GM DWI, a shooting, an assault and a fight call. The dates of the incidents related to these calls were:

- March 4-5, 2022;
- March 12-13, 2022; and
- March 18-19, 2022.

Sgt. Graupman reviewed the police call records and Case numbers ("CN's") associated with those calls. The CN's Sgt. Graupman reviewed include:

- CN 22036672 from March 4, 2022, Single car accident in which the driver was determined to be intoxicated stated she had consumed alcohol at the Licensed Premises prior to the crash.
- CN 22036746 from March 5, 2022, aggravated assault with a firearm. The victim had attempted to gain entry into the Licensed Premises but was denied. The victim was subsequently shot while standing on the sidewalk near the Victoria Crossing Mall entrance.
- CN 22042088 from March 12, 13, 2022, assault.
- CN 22045710 from March 18, 2022, fight in which Ramsey County Deputies requested emergency assistance.

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

Based on his initial review, Sgt. Graupman worked with DSI Licensing Manager Eric Hudak to draft 2 formal requests for all interior and exterior surveillance video from the business, which is a required condition of License Condition #3. The March 8, 2022 letter ("Investigation #1") requested video from 9:30 p.m. until 11 p.m. on Friday March 4, 2022 and 12:30 a.m. until 2:00 a.m. on Saturday March 5, 2022. The March 28, 2022 letter ("Investigation #2") requested video from 11:00 p.m. March 12, 2022 until 12:30 a.m. March 13, 2022 and 11:30 p.m. March 18, 2022 until 1:00 a.m. March 19, 2022.

The Licensee produced the video requested in the letters and it was reviewed by Sgt Graupman and DSI Staff.

Investigation and Violations:

Sgt. Graupman reviewed police call records. He learned that in the past one year period between May 6, 2021 and May 6, 2022 the Licensed Premises has generated 128 calls for police service. Sgt. Graupman believes that 31 of these calls were deemed "Quality of Life" type calls and states that "Quality of Life Calls" have a direct and negative impact on the surrounding neighboring residential community. Sgt. Graupman also learned that the calls and call types have "generated both community concern and have consumed a vast amount of police resources".

Upon review of the video associated with CN 22036672, Sgt Graupman concluded that the individual involved in the single car accident was a patron in the Licensed Premises but no license violations or improper conduct was observed.

Upon review of the video associated with CN 22036746, Sgt. Graupman determined that the victim was not a patron of the Licensed Premises. Sgt. Graupman also could not determine that the suspects involved in the shooting were patrons of the Licensed Premises.

Violation #1:

While reviewing the video associated with CN 22036746, Sgt. Graupman did observe several incidents of alcohol leaving the liquor service area which he documented as violations of License Condition #6 and Saint Paul Legislative Code Section ("SPLC") 409.08 (15).

Sgt. Graupman's report documents that when watching the March 5, 2022 video, channels 01, 03, 05, 08, and 09 he observed several instances of alcoholic beverages leaving the service area including:

- at 0140 hrs. a customer (B/M, wearing a blue baseball style cap, white hooded sweatshirt and blue jeans), is seen placing a drink order at the rear of the main front bar with the bartender. The bartender then returns with a suspected canned alcoholic beverage and money is exchanged between the

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

customer and bartender. At 0142 hrs., the customer begins to consume the beverage and remains in the bar area for several minutes. At 0146 hrs., the male customer begins to walk towards the front of the bar, as the bar is beginning to close. The customer is tracked via the above mentioned cameras exiting the business via the front patio at 0147 hrs., and is not stopped by identifiable security, who is present. The male customer eventually leaves the patio area and enters Grand Ave still holding the purchased beverage in hand.

- At 0151 hrs., a female customer (B/F, wearing a blue jean jacket, yellow top and pants) is seen exiting the front patio holding a drink cup.

- At 0153 hrs., a male customer (B/M, wearing all black) is seen exiting the front patio holding a drink cup.

- At 0153 hrs., a female customer (B/F, wearing all black and white shoes), is seen exiting the front patio holding a drink cup.

Violation #2:

Upon review of CN 22042088, Sgt. Graupman learned that SPPD officers reported that on March 13, 2022 staff at the Licensed Premises where unable to provide access to all the cameras on the property and did not have the means to make a copy of the video upon SPPD officers request which is a violation of License Condition #3.

Violation #3:

Upon review of the video associated with the March 18, 2022 incident documented under CN 22045710 Sgt. Graupman found that it was not complete. Specifically, the cameras covering ingress and egress to the Licensed Premises were missing. They included Channels 24 and 29.

The Licensee was given another opportunity to produce the missing video. On April 20, 2022 a second request to produce video with a deadline of 4:00 p.m., Friday April 22, 2022 was mailed to the Licensee. Video was again produced but was found to be deficient. DSI contacted Manager, Wesley Spearman who indicated that those cameras were offline at the time of the incident. This is a violation of License Condition #3 which requires that the Licensee produce video when requested and maintain the surveillance systems.

Violation #4:

Licensee has failed to manage the Licensed Premises in a manner that provides a safe environment for patrons and the public.

Adverse action may be based on one or more of the following reasons, which are in addition to any other reasons specifically provided by law or in the Saint Paul Legislative Code.

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

- Section 310.06 (b)(5) supports adverse action when the licensee or applicant has failed to comply with any condition set forth in the license.

- Section 310.06 (b)(6)(a) supports adverse action when the "licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any action which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brough in connection therewith".

- Section 310.06 (b)(6)(c) supports adverse action when the "licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn".

- Section 310.06 (b)(7) supports adverse action when the "activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner".

- Section 310.06(b)(8) supports adverse action when the "licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public".

Numerous police calls for service, 31 "Quality of Life" calls during a one year timeframe, practices that have generated both community concern and consumed a vast amount of police resources, failure to implement procedures that would address alcohol leaving the premises and failure to ensure that surveillance equipment was maintained and capable of providing video all are facts that support adverse action under the above provisions of SPLC.

If you think that this matter can be resolved or settled without a formal hearing, please contact the undersigned. If a stipulation or agreement can be reached as to the facts, that stipulation will be presented to the Administrative Law Judge for incorporation into his or her recommendation for Council action.

If you fail to appear at the hearing, your ability to challenge the allegations will be forfeited and the allegations against you which have been stated earlier in this notice may be taken as true. If non-public data is received into evidence at the hearing, it may become public unless objection is made and relief requested under Minnesota Statutes, Section 14.60, subdivision 2.

The Saint Paul City Attorney's Office does not discriminate based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status in the delivery of services or employment practices.

SAINT PAUL
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY
LYNDSEY M. OLSON, CITY ATTORNEY

Civil Division, 15 Kellogg Blvd. West, 400 City Hall
Saint Paul, MN 55102
Tel: 651-266-8710 | Fax: 651-298-5619

If you have any questions, you can call me at (651) 266-8710.

Sincerely,

Therese Skarda

Therese Skarda
Assistant City Attorney
License No. 0240989

The Saint Paul City Attorney's Office does not discriminate
based on race, color, national origin, religion, sex/gender, disability, sexual orientation, gender identity, age, or veteran status
in the delivery of services or employment practices.

MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

RECEIVED
By: OAH on 5/24/2022 4:44 PM

OAH Docket Number: _____

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Liquor on Sale – 291 or More Seats, Liquor on Sale – Sunday, Liquor On Sale – 2AM Closing, Liquor Outdoor Service Area – Patio, and Entertainment B licenses held by Randall Johnson, RJMP Group d/b/a Billy's On Grand for the premises located at 857 Grand Avenue in Saint Paul

NOTICE OF APPEARANCE

PLEASE TAKE NOTICE that:

1. The party/agency named below (Party/Agency) will appear at the prehearing conference and all subsequent proceedings in the above-entitled matter.

2. By providing its email address below, the Party/Agency acknowledges that it has read and agrees to the terms of the Office of Administrative Hearings' e-Filing policy and chooses to opt into receiving electronic notice from the Office of Administrative Hearings in this matter. **Note: Provision of an email address DOES NOT constitute consent to electronic service from any opposing party or agency in this proceeding.**

3. The Party/Agency agrees to use best efforts to provide the Office of Administrative Hearings with the email address(es) for opposing parties and their legal counsel.

Party's/Agency's Name: Department of Safety and Inspections

Email: eric.hudak@ci.stpaul.mn.us Telephone: (651) 266-9132

Mailing Address: 375 Jackson Street, Ste. 220, Saint Paul, MN 55101-1806

Party's/Agency's Attorney: Therese Skarda

Firm Name: City of Saint Paul – Office of City Attorney

Email: therese.skarda@ci.stpaul.mn.us Telephone: (651) 266-8755
Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

Party's/Agency's Legal Assistant: Shawn McDonald

Firm Name: City of Saint Paul – Office of City Attorney

Email: Shawn.Mcdonald@ci.stpaul.mn.us Telephone: (651) 266-8729

Mailing Address: 400 City Hall & Courthouse, 15 W. Kellogg Blvd., Saint Paul, MN 55102

Respondent's/Opposing Party's Name: Dennis Johnson

Email: DJohnson@chestnutcambronne.com Telephone: (612) 860-2514

Mailing Address: 100 Washington Avenue South, Suite 1700, Mpls, MN 55401

Dated: 5-24-22 Therese Skarda / S.M.

Signature of Party/Agency or Attorney

Note: This form must be served upon the opposing party/agency. Counsel may not withdraw from representation without written notice.