

STATE OF MINNESOTA)  
 ) ss.

001

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

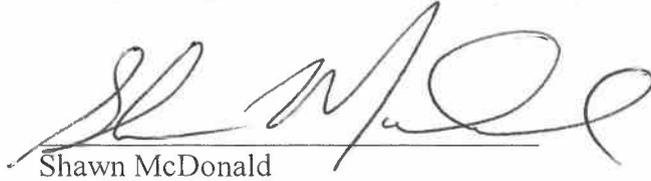
COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 26<sup>th</sup> 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:

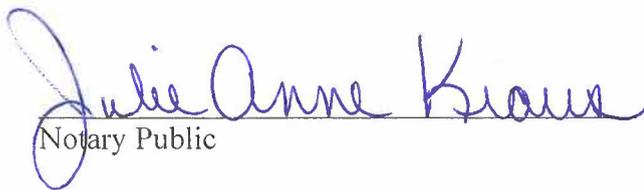
Dennis Johnson, Attorney  
Jeffrey C. O'Brien, Attorney  
Attorneys at Law  
Chestnut Cambronne, PA  
100 Washington Avenue South, Suite 1700  
Minneapolis, MN 55401

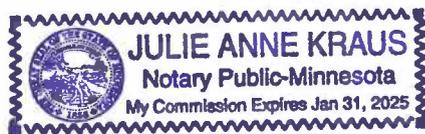
Judge Jessica A. Palmer-Denig,  
Administrative Law Judge  
Office of Administrative Hearings  
P.O. Box 64620  
St. Paul, MN 55164-0620

(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 26<sup>th</sup> day of July 2022

  
Notary Public



**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**

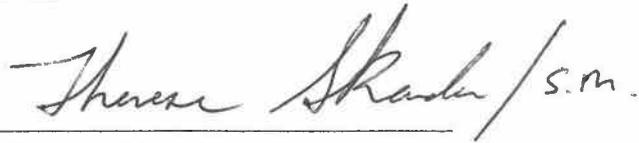
- Ex. No. 1 February 1, 2022 Notice of Violation and Request for Imposition of License Conditions and \$500 Matrix Penalty (36 pages)
- Ex. No. 2 February 8, 2022 email noting that first matrix penalty of \$500 had been paid (1 page).
- Ex. No. 3 March 4, 2022 copy of additional license conditions signed (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 26<sup>th</sup> day of July 2022

A handwritten signature in black ink that reads "Therese Skarda / s.m.". The signature is written in a cursive style and is positioned above a horizontal line.

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



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



**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. Box 64620, St. Paul, MN 55164-0620

STATE OF MINNESOTA)

) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 1<sup>st</sup> 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 269<sup>th</sup> 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

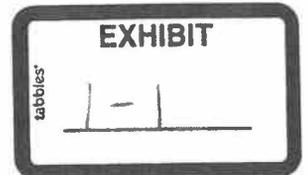
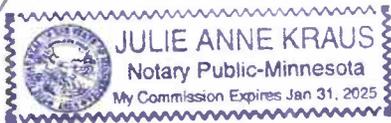
Monica Haas, Executive Director  
Summit Hill Association  
860 Saint Clair Avenue West  
Saint Paul, MN 55105

(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 1<sup>st</sup> day of February 2022

  
Notary Public





**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."





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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.





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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).





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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).

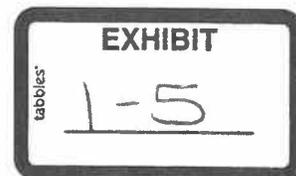
### **Violation #3 Facts:**

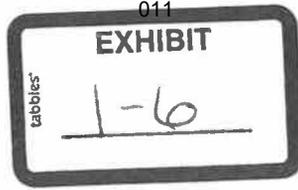
Sgt. Graupman also observed and pulled still photographs from Channel 01, 08, & 19 (Rear Bar, Patio, Parking lot) at 11:51 p.m. of a patron purchasing a beer and later leaving the Licensed Premises with the alcoholic drink. The security footage shows the patron leaving the front patio area with the beer 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.

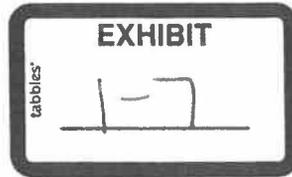




1. Wait staff and managers will ensure that IDs are checked so that patrons under the age of 21 will not be served or consume alcohol.
- ~~2. The extension of service as a result of the renovation of the patio area is subject to the consent for the use of three (3) off-street parking spaces from an adjacent 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).



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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**  
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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  
Assistant City Attorney  
License No. 0240989

Cc: Randall Johnson; 7504 269<sup>th</sup> 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



### 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
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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

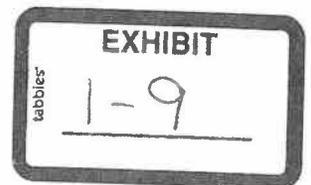
Legal Desc: SUMMIT PARK ADDITION TO,ST. PA LOTS 15 16 17 AND LOT 18 BLK 18

**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



License Group Conditions Text

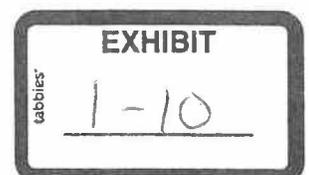
01/12/2022

Licensee: RJMP GROUP INC

DBA: BILLY'S ON GRAND

License #: 2020000158

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 #: 2020000158

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 SPFH 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 Dingt 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 requirements 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 Prendergast 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 Prendergast, 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 SPFH 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

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# 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	C5	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	857 GRAND AV
49	21223181	10/25/2021 17:01	COMMUNITY ORIENTED/OUTREACH EVENT	A	857 GRAND AV
50	21225640	10/29/2021 0:25	POLICE VISIT-PROACTIVE POLICE VISIT	A	857 GRAND AV

EXHIBIT

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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

EXHIBIT

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### Saint Paul Police Department

#### CN Details for 21-227098

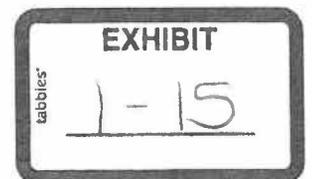
<b>Incident:</b>	32	DISTURBANCE-FIGHTS		
<b>Location:</b>	857 Grand Avenue			
<b>Locale:</b>	Billys On Grand [857]			
		<b>Sector/Grid:</b>	1	148
<b>Call Date:</b>	10/31/2021, 01:08:37	<b>Disposition:</b>	Gone on Arrival	
<b>Occur Date:</b>	10/31/2021	<b>Priority:</b>	3	<b>Time Received:</b> 01:08:37
<b>Occur Time:</b>	01:08:37	<b>Source:</b>	911	<b>Time Sent:</b> 01:19:18
<b>Caller Information:</b>		<b>Fire/Amb:</b>		<b>Time Arrived:</b> 01:21:48
<b>Name:</b>		<b>EDP:</b>		<b>Time Cleared:</b> 01:26:54
<b>Address:</b>		<b>Alarm:</b>		<b>ECC Console:</b> 22
<b>Phone:</b>				



### Saint Paul Police Department

#### CN Details for 21-227308

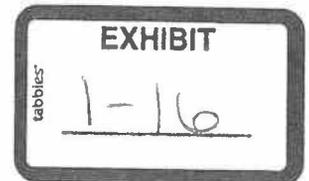
<b>Incident:</b>	800	OTHER ASSAULTS		
<b>Location:</b>	857 Grand Avenue			
<b>Locale:</b>	Billys On Grand [857]			
		<b>Sector/Grid:</b>	I	148
<b>Call Date:</b>	10/31/2021, 10:42:55	<b>Disposition:</b>	Gone on Arrival	
<b>Occur Date:</b>	10/31/2021	<b>Priority:</b>	4	<b>Time Received:</b> 10:42:55
<b>Occur Time:</b>	10:42:55	<b>Source:</b>	Phone	<b>Time Sent:</b> 11:39:32
<b>Caller Information:</b>		<b>Fire/Amb:</b>		<b>Time Arrived:</b>
<b>Name:</b>		<b>EDP:</b>		<b>Time Cleared:</b> 11:40:13
<b>Address:</b>		<b>Alarm:</b>		<b>ECC Console:</b> 22
<b>Phone:</b>				



# Saint Paul Police Department

## CN Details for 21-227390

<b>Incident:</b>	860	ASSAULT-OTHER ASSAULTS,ALL		
<b>Location:</b>	857 Grand Avenue			
<b>Locale:</b>	Billys On Grand [857]			
		<b>Sector/Grid:</b>	1	148
<b>Call Date:</b>	10/31/2021, 14:13:20	<b>Disposition:</b>	Records received	
<b>Occur Date:</b>	10/31/2021	<b>Priority:</b>	4	<b>Time Received:</b> 14:13:20
<b>Occur Time:</b>	14:13:20	<b>Source:</b>	Teleserve	<b>Time Sent:</b> 14:20:51
<b>Caller Information:</b>		<b>Fire/Amb:</b>		<b>Time Arrived:</b> 14:20:53
<b>Name:</b>		<b>EDP:</b>		<b>Time Cleared:</b> 15:40:56
<b>Address:</b>		<b>Alarm:</b>		<b>ECC Console:</b> 28
<b>Phone:</b>				



Saint Paul Police Department

PUBLIC

**ORIGINAL OFFENSE / INCIDENT REPORT**Complaint Number  
21227390

Reference C.N.

Date and Time of Report  
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

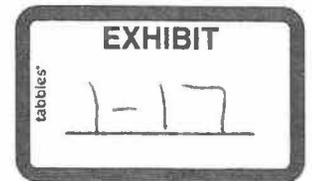
Witness: Dixon, Robert Peter

BROOKLYN CENTER

MN 55429-1338

**PUBLIC NARRATIVE**

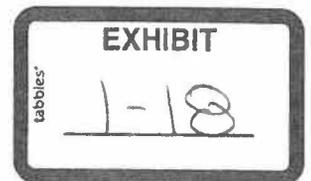
On 10/31/21 at approximately 1420 hrs. St Paul Squads took an assault report, not in progress, that occurred at Billy's On Grand, located at 857 Grand Ave. Suspect information provided.



### Saint Paul Police Department

#### CN Details for 21-236030

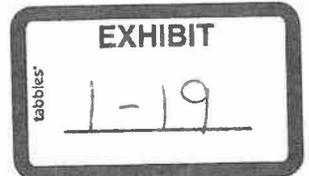
<b>Incident:</b>	32	DISTURBANCE-FIGHTS		
<b>Location:</b>	857 Grand Avenue			
<b>Locale:</b>	Billys On Grand [857]			
	<b>Sector/Grid:</b>	1	148	
<b>Call Date:</b>	11/13/2021, 00:41:22	<b>Disposition:</b>	Gone on Arrival	
<b>Occur Date:</b>	11/13/2021	<b>Priority:</b>	3	<b>Time Received:</b> 00:41:22
<b>Occur Time:</b>	00:41:22	<b>Source:</b>	911	<b>Time Sent:</b> 00:43:13
<b>Caller Information:</b>	<b>Fire/Amb:</b>		<b>Time Arrived:</b>	00:46:45
<b>Name:</b>	<b>EDP:</b>		<b>Time Cleared:</b>	00:49:44
<b>Address:</b>	<b>Alarm:</b>		<b>ECC Console:</b>	23
<b>Phone:</b>				



# Saint Paul Police Department

## CN Details for 21-242619

<b>Incident:</b>	860	ASSAULT-OTHER ASSAULTS,ALL		
<b>Location:</b>	857 Grand Avenue			
<b>Locale:</b>	Billys On Grand [857]			
	<b>Sector/Grid:</b>	I	148	
<b>Call Date:</b>	11/23/2021, 11:49:51	<b>Disposition:</b>	Records received	
<b>Occur Date:</b>	11/23/2021	<b>Priority:</b>	4	<b>Time Received:</b> 11:49:51
<b>Occur Time:</b>	11:49:51	<b>Source:</b>	Teleserve	<b>Time Sent:</b> 12:45:27
<b>Caller Information:</b>	<b>Fire/Amb:</b>			<b>Time Arrived:</b>
<b>Name:</b>	<b>EDP:</b>			<b>Time Cleared:</b> 13:29:29
<b>Address:</b>	<b>Alarm:</b>			<b>ECC Console:</b> 31
<b>Phone:</b>				



Saint Paul Police Department

PUBLIC

**ORIGINAL OFFENSE / INCIDENT REPORT**

Complaint Number  
21242619

Reference C.N.

Date and Time of Report  
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

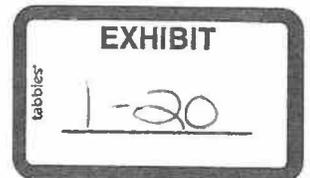
Victim: Benson, Armani C

SAINT PAUL

MN 55104-4848

**PUBLIC NARRATIVE**

Reported assault at Billy's on Grand (857 Grand Ave).





**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	:
Offenses	: Investigate-Code Enforcement	Resistance Encountered	: No

## Incident Summary

Created by:		01/27/2022, 16:38
<p>DSI Investigation, into potential licensing &amp; code related violations that occurred between (10/30/21-10/31/21) &amp; (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 &amp; Inspection and also the City Attorney Civil Division, for review and possible Adverse Action against the business license.</p>		

CASE NUMBER: 22-009948





**SAINT PAUL  
POLICE**

**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	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.

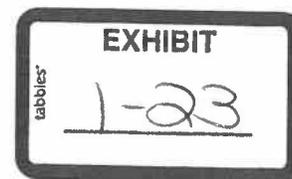
On 11/17/21, I was made aware by the St. Paul Western District Command of numerous "quality of life" police calls that they had responded to at Billy's on Grand, located at 857 Grand Ave St. Paul, MN 55105. A review of police call records and noted that in the past one year period between (1/20/21 & 1/20/22), this property has generated (78) calls for police service. It should be noted that (20) of those calls were 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.



**SAINT PAUL  
POLICE**

**INCIDENT REPORT**  
SAINT PAUL POLICE DEPARTMENT



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**

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

10/30/21-10/31/21

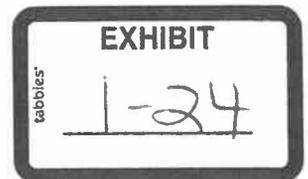
Lewd Conduct: Channel 01 (Front Patio) @ 0124 hrs., A B/M and W/F, emerge from behind the closed patio bar area and began to engage in intimate physical contact, by touching and kissing. The couple then walks to a patio bench and continues to engage in intimate physical contact. The female then sits 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





**SAINT PAUL  
POLICE**

# 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**

# 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

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 :  
Occupation :  
Address :

#### Injuries

Type of Injury :

#### Offenses/Charges

CASE NUMBER: 22-009948





**SAINT PAUL  
POLICE**

CASE NUMBER: 22-009948

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Charges

Description	Statute	Level Of Offense	UCR Code
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## 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





**SAINT PAUL  
POLICE**

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

Address : 857 Grand Avenue, St.  
Paul, MN

Offenses/Charges

Charges

Description	Statute	Level Of Offense	UCR Code
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CASE NUMBER: 22-009948





**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

Role Type : **Defendant**  
 Name : **Billy'S On Grand**  
 Type : **Restaurant/Bar/Club**  
 Description :

#### Phones

Cell Phone :  
 Contact Phone : **651-292-9140**  
 Home Phone :  
 Work Phone : **651-292-9140**  
 Email Address :  
 Fax :

#### Offenses/Charges

#### Charges

Description	Statute	Level Of Offense	UCR Code
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CASE NUMBER: 22-009948





**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



DEPARTMENT OF SAFETY AND INSPECTIONS  
Ricardo X. Cervantes, Director

CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
St. Paul, Minnesota 55101-1806Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://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.

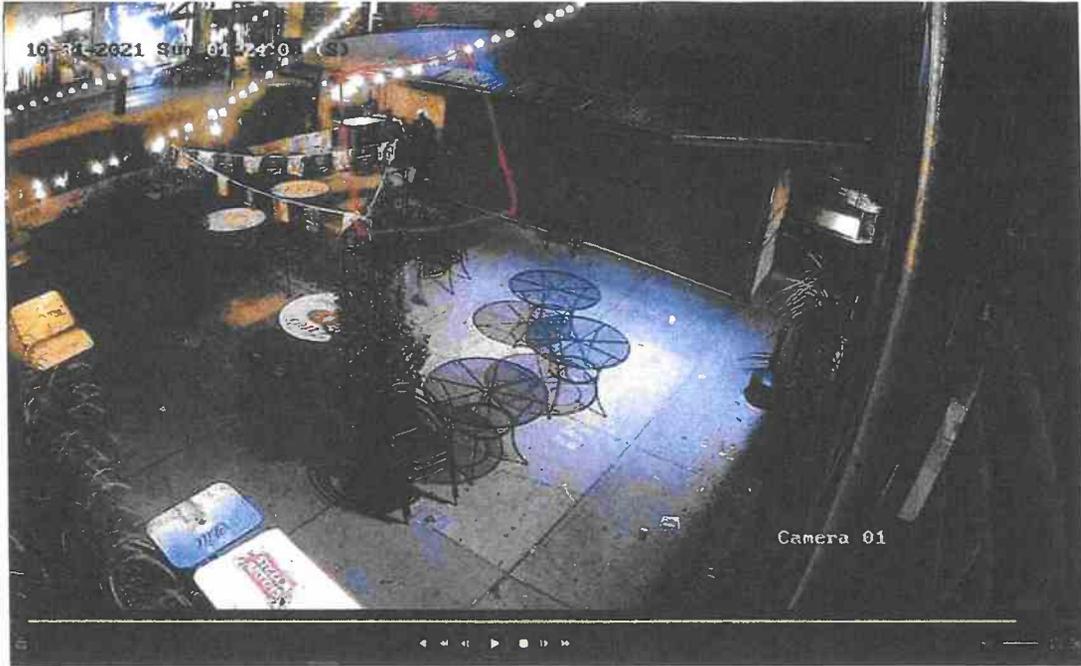
Questions regarding this letter can be directed to me at (651) 266-9132.

Eric Hudak  
Licensing Manager, Department of Safety and Inspections

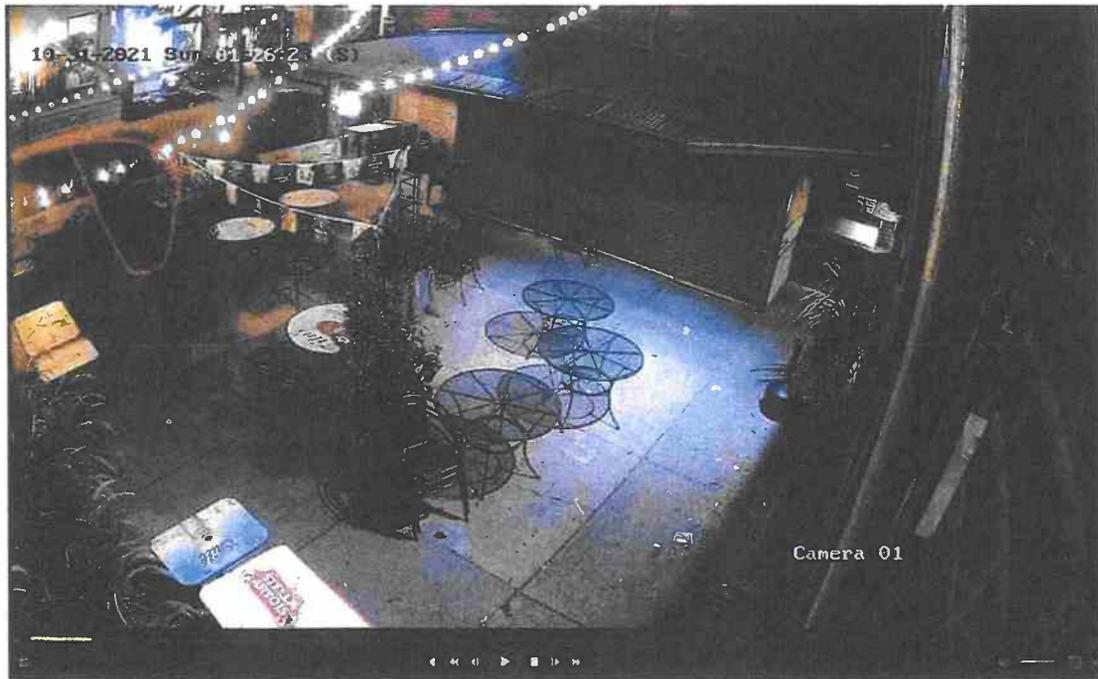
cc: Asst. City Atty. Therese Skarda, Saint Paul City Attorney's Office  
Sgt. Charles Graupman, Saint Paul Police Department  
Wesley Spearman 204 N. McCarrons Apt #8, St. Paul, MN. 55113.  
Darcy Golish 2238 Heath Ave N. Oakdale, MN. 55128  
Randall Johnson, 7504 269<sup>th</sup> Ave. NE Stacy, MN. 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).

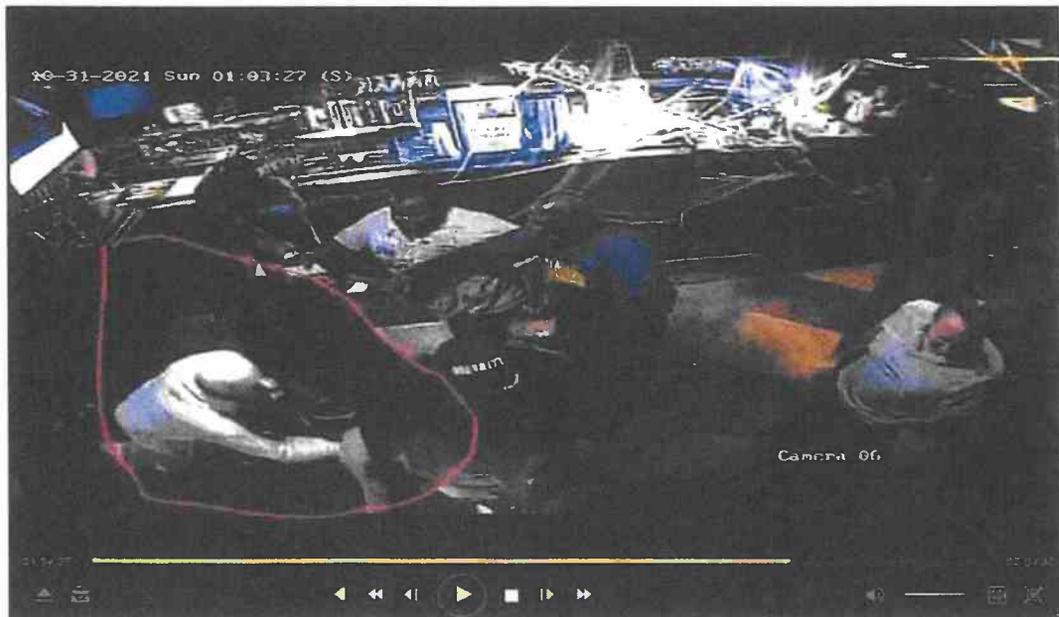


Channel 01 @ 0126 hrs, couple engaging in lewd conduct. (No security present).

EXHIBIT  
1-32  
tabbles



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  
tabbles 1-33

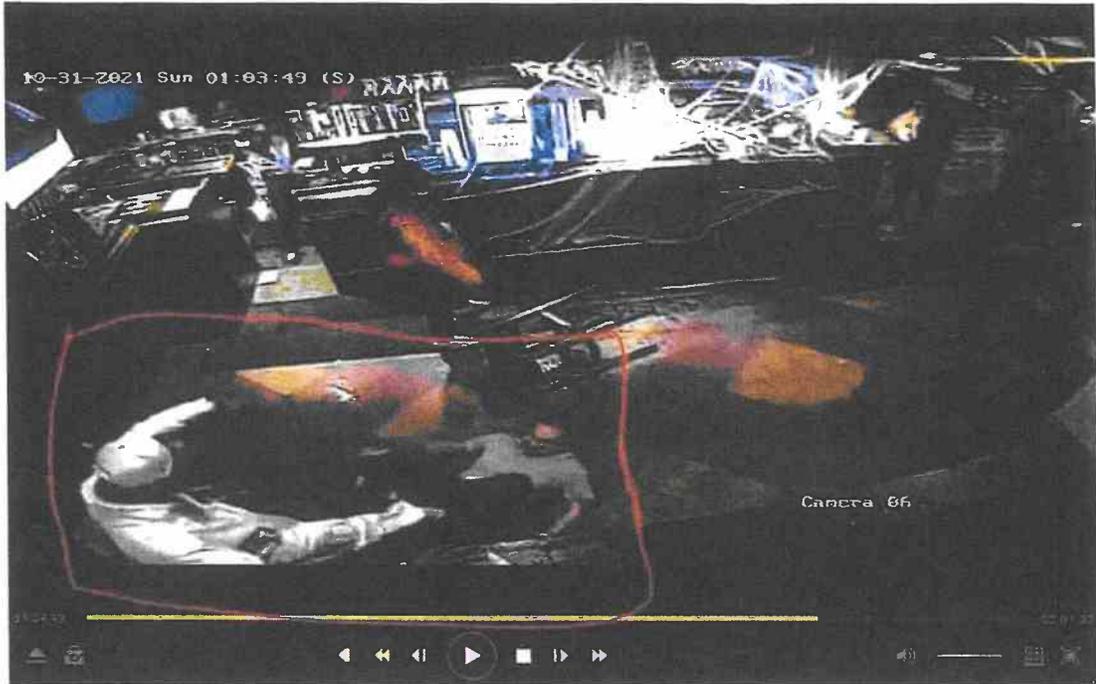


Ch 06 @ 0103 hrs., Security deploying a chemical irritant to disperse crowd.



Ch 09 @ 0113 hrs., Physical Fight

EXHIBIT  
tabbles 1-34

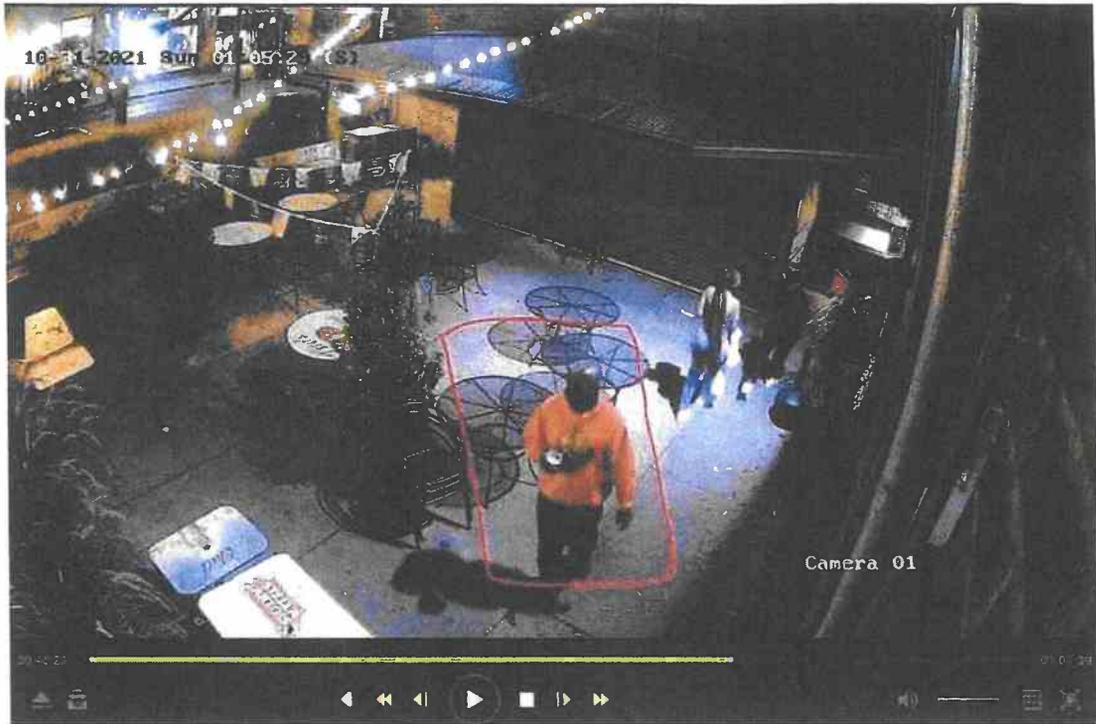


Ch 06 @ 0103 hr., Physical Fight.



CH 08 @ 2351 hrs., Male purchasing drink at back bar.

EXHIBIT  
1-35  
tabbles



Ch 01 @ 0105 hrs., Male patron seen leaving with purchased drink.



Ch 19 @ 0106 hrs., Male patron seen leaving with a purchased drink.

EXHIBIT  
tabbles 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](mailto:linda.koran@ci.stpaul.mn.us)



**SAINT PAUL**  
MINNESOTA

*DSI Customer Service Counter is available 8:00 am - 4:00 pm (Mon - Fri).*





## CITY OF SAINT PAUL

## Department of Safety &amp; Inspections

Ricardo X. Cervantes, Director  
 375 Jackson Street, Suite 220  
 Saint Paul, MN 55101-1606

Telephone: 651-266-8989  
 Facsimile: 651-266-9124

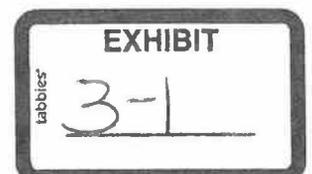
Web Site Address: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

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





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: 651-266-8969

Facsimile: 651-266-9124

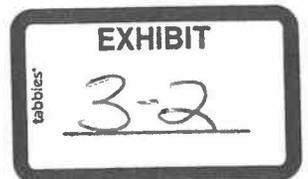
establishment 30 minutes prior to closing time. Last call will be given 30 minutes prior to closing time.

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.

*[Signature]*  
Licensee

3/4/22  
Date



## Resolution: RES 22-311

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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



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 Shari Moore  
Council Secretary Shari Moore

Date 3/2/2022

Approved by the Mayor Melvin Carter III  
Melvin Carter III

Date 3/3/2022

Clerk Shari Moore  
Shari Moore

Date \_\_\_\_\_

Test Signature Shari Moore  
Shari Moore

Date \_\_\_\_\_



STATE OF MINNESOTA)  
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 9<sup>th</sup> 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 269<sup>th</sup> Avenue Northeast  
Stacy, MN 55079

East Mall Associates  
857 Grand Avenue  
Saint Paul, MN 55105-3377

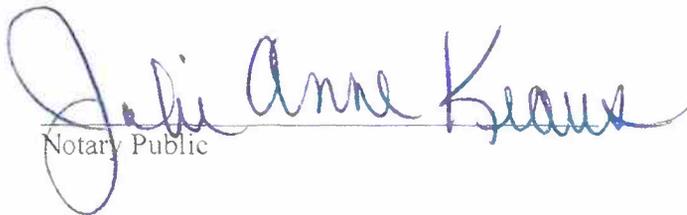
Wesley Spearman  
204 McCarrons Blvd  
Saint Paul, MN 55113

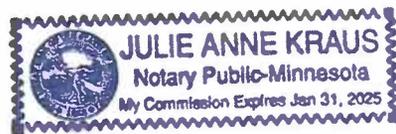
Monica Haas, Executive Director  
Summit Hill Association  
860 Saint Clair Avenue West  
Saint Paul, MN 55105

(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 9<sup>th</sup> day of May 2022

  
Notary Public





**SAINT PAUL**  
CITY ATTORNEY

OFFICE OF THE CITY ATTORNEY  
LYNDESEY 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:

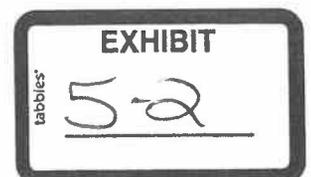
The Department of Safety and Inspections ("Department") has recommended adverse action against the Liquor on Sale -291 or More Seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by R Randall Johnson, RJMP Group, ("Licensee") 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.





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### **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.



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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,



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 brought 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.





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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.





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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 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 SPPD officers request which is a violation of License Condition #3.





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### **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 brought 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".





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- 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.





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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  
Assistant City Attorney  
License No. 0240989

Cc: Randall Johnson; 7504 269<sup>th</sup> 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



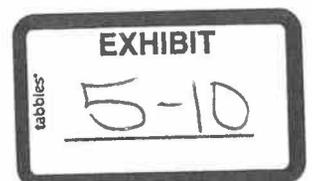


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Saint Paul Police Department Call Log from May 6, 2021-May 6, 2022  
Saint Paul Police Report Case Number 22036672  
Saint Paul Police Report Case Number 22036746  
Saint Police Report Case Number 22042088  
Saint Paul Police Incident Report 22045710  
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



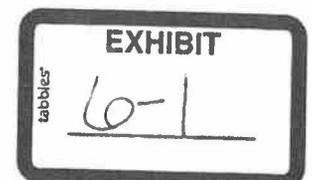
**STAMP - Ownership / Zoning Information**[New Search](#)[Help using this report](#)**Run Date:** 05/06/22 10:05 AM**House#:** 857**Last updated from Ramsey County data on:****Street Name:** grand

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](#)

<b>PIN:</b> 022823420125	<b>Census Track:</b> 42900	<b>Census Block:</b> 4002	<b>Council Ward:</b> 2	<b>District Council:</b> 16
<b>Year Built:</b>	<b>Foundation Sq Feet:</b>	<b>Loan Company:</b> 90 Cherokee S	<b>Land Value:</b> 1705000	<b>Building Value:</b> 2517900

<b>Existing Primary Use:</b> C-Restaurant/Bar	<b>Legality of Use:</b>	<b>Occupancy Group Type:</b> A-2	<b>Units:</b> 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

Properties, for Licensee 000000158

Licensee: RJMP GROUP INC  
 DBA: BILLY'S ON GRAND

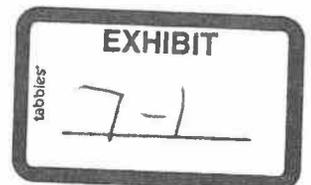
License	Licensee	Lic. Types	Insurance	Bond	Requirements
Licensee Name: RJMP GROUP INC DBA: BILLY'S ON GRAND Sales Tax Id: ***** Non-Profit: <input type="checkbox"/> Worker's Comp: 00/00/0000 AA Contract Rec'd: 00/00/0000 AA Training Rec'd: 00/00/0000 AA Fee Collected: 00/00/0000 Discount Rec'd: <input type="checkbox"/>		<input type="button" value="Print"/> <input type="button" value="Properties..."/>			

Other Agency Licenses				Financial Hold Reasons		
Other Licensing Agency Name / License Type	License #	Expiration	Reason	Active	Date	
State of Minnesota / Optional 2AM Closing Lice	73534	08/28/2022				

Contacts for this Licensee								Mail License To:	
Addr. Type	Active	Inactive	Last Name	First Name	Title	Bus. Phone	Ho	<input type="radio"/>	<input type="radio"/>
Business	<input checked="" type="checkbox"/>	<input type="checkbox"/>			CORPORATION	(612) 839-4653	(651) 226-2333	<input checked="" type="radio"/>	<input type="radio"/>
Mail To	<input type="checkbox"/>	<input type="checkbox"/>	JOHNSON	RANDALL	CEO/MANAGE	(651) 226-2333		<input checked="" type="radio"/>	<input type="radio"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	PRENDERGAST	MATT	MANAGER			<input type="radio"/>	<input checked="" type="radio"/>

Background Check Required

License # 200000158 Save Changes to History



Properties For License 857 GRAND AVE

Pay Print Hist Summ

Licensee: RJMP GROUP INC  
DBA: BILLY'S ON GRAND

License Licensee Lic Types Insurance Bond Requirements

Property Licensee Unofficial

Street #: 857  
Street Name: GRAND  
Street Type: AVE Direction:  
Unit Ind: Unit #:  
City: ST PAUL  
State: MN Zip: 55105  
Ward: 2 Browse  
Dist Council: 16

Project Facilitator: FISCHBACH, JEFF

Adverse Action Comments  
02/01/2022 - Notice of Violation sent with a 02/15/2022 deadline to respond SM

License Group Comments:  
5/5/2022 Sent to the CAO for AA for a second violation of a \$1,000 fine Failure to provide sufficient video & Alcohol leaving the Service area - for pending application #20210000375 per management agreement JNV

Licensee: RJMP GROUP INC Licensee Comments:  
DBA: BILLY'S ON GRAND  
Sales Tax Id: Bus Phone: 612-839-4653

License Type	Class	Effective	Expiration	Conditions	License Fee
Liquor On Sale - 2 AM Closing	N	08/01/2020	08/01/2022	N	\$55.00
Gambling Location	N	08/01/2020	08/01/2022	N	\$77.00
Liquor-Outdoor Service Area (Patio)	N	08/01/2020	08/01/2022	N	\$78.00

License # 200000158 Save Changes to History  OK Cancel Help



## License Group Comments Text

05/04/2022

Licensee: RJMP GROUP INC

DBA: BILLY'S ON GRAND

License #: 2020000158

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 5/26/21 projected reopening. organization's Asst Gambling Manager informed SPFH 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 LIO 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 requirements 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 Prenergast. 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 SPFH 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



Adverse Action Comments Text

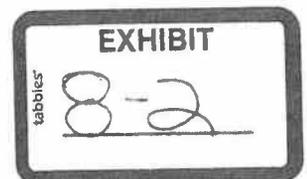
05/04/2022

Licensee: RJMP GROUP INC

DBA: BILLY'S ON GRAND

License #: 2020000158

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.sipaul.gov/dsi](http://www.sipaul.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 269<sup>th</sup> Ave. NE Stacy, MN. 55079

An Equal Opportunity Employer



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](http://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.

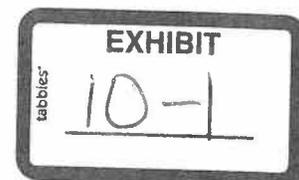
This DSI video request is separate and independent from any similar video request which may have been made by the Saint Paul Police Department and must be satisfied accordingly.

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 269<sup>th</sup> Ave. NE, Stacy MN, 55079

An Equal Opportunity Employer





**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.

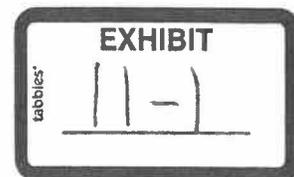
Failure to deliver the requested copy of video at or before this deadline may result in adverse licensing action taken through the Saint Paul City Attorney's Office.

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 269<sup>th</sup> Ave. NE. Stacy, MN. 55079



**Voyda, Joseph (CI-StPaul)**

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**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 it 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?

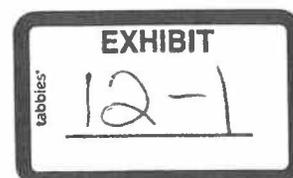
Eric



**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](mailto:bmillard@electrowatchman.com)>  
Date: Wed, Apr 20, 2022 at 2:16 PM  
Subject: Camera Service History  
To: <[wesbillysongrand@gmail.com](mailto: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.**

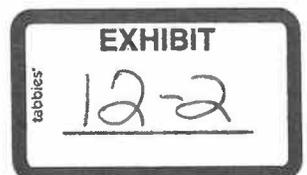
*Security Alarms – Fire Alarms – Camera Surveillance – Door Access Control – Door Entry/Intercom*

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](http://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: <b>BILLY'S ON GRAND</b> 857 GRAND AVE ST. PAUL, MN 55105		Dealer: <b>Electro Watchman - Saint Paul</b>	
Panel ID:		Cross Street:	
Description: <b>HIKVISION</b>		Ph: <b>(651) 292-9140</b>	
System Type: <b>CCTV System - General</b>		Status: <b>Active</b>	Active Date: <b>2/28/2020</b>
Job Request: <b>Service - Other (S)</b>		Requested By: <b>WESLEY</b>	
Notes: <b>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.</b>			
Warranty <b>Y / N</b> Service Contract <b>Y / N</b> Add-on: <b>Y / N</b> Lease <b>Y / N</b> Other: _____			
Service Person: _____		Needs Further Action: <b>Y / N</b>	
Commitment Date: <b>8/20/2021</b>	Start Time: _____	End Time: _____	
Date Arrived: _____	Time Arrived: _____	Time Left: _____	
<b>Work Performed:</b> _____			
Qty	Part #	Description	Unit Price    Extension
			\$ .    \$ .
			\$ .    \$ .
			\$ .    \$ .
			\$ .    \$ .
Total Part Cost			\$ .
Labor Cost			\$ .
Origination Fee			\$ .
Total			\$ .

X \_\_\_\_\_  
Technician Signature

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date

X \_\_\_\_\_  
Customer Signature

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
Date



Job # 211100017

Status: **Closed**

Create Date 11/1/2021 10:36:33

Site: <b>BILLY'S ON GRAND</b> 857 GRAND AVE ST. PAUL, MN 55105	Dealer: <b>Electro Watchman - Saint Paul</b>  Cross Street: Ph (651) 292-9140
---	--

System Type: <b>CCTV System - General</b>	Status: <b>Active</b>	Active Date: <b>2/28/2020</b>
Panel ID:	Alt ID:	Install Date:
Description: <b>HIKVISION</b>		
Job Request: <b>Service - Other (S)</b>	Requested By: <b>DARCY GOLISH</b>	
Notes: <b>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.</b>		
Warranty: <b>Y / N</b>	Service Contract: <b>Y / N</b>	Add-on: <b>Y / N</b>
	Lease: <b>Y / N</b>	Other: _____
Service Person: _____	Needs Further Action: <b>Y / N</b>	
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







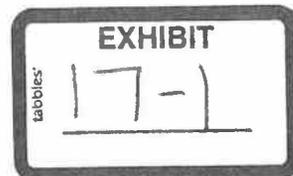


# Saint Paul Police Department

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	357 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 ,



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	857 GRAND AV ,
108	22046178	03/19/2022 19:38	A	POLICE VISIT-PROACTIVE POLICE VISIT	857 GRAND 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 ,

EXHIBIT

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Saint Paul Police Department

PUBLIC

**ORIGINAL OFFENSE / INCIDENT REPORT**Complaint Number  
22036672

Reference C.N.

Date and Time of Report  
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:	

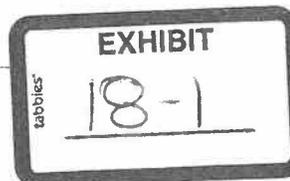
**Names**

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.

Information Requested by: 237725



Printed at: 05/06/2022, 16:49

Saint Paul Police Department

PUBLIC

**ORIGINAL OFFENSE / INCIDENT REPORT**Complaint Number  
22036746

Reference C.N.

Date and Time of Report  
03/05/2022, 01:44Primary 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 &amp; 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**

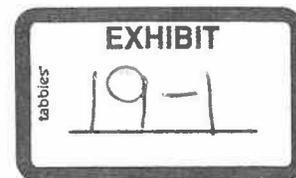
Victim:

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.



Information Requested by: 237725

Printed at: 05/06/2022, 10:33

Saint Paul Police Department

PUBLIC

### ORIGINAL OFFENSE / INCIDENT REPORT

Complaint Number  
22042088

Reference C.N

Date and Time of Report  
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**

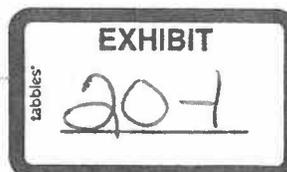
Suspect: Unknown

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	:
Offenses	: Investigate-Code Enforcement	Resistance Encountered	: No

### 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





**SAINT PAUL  
POLICE**

CASE NUMBER: 22-045710

**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
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



**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.

CASE NUMBER: 22-045710

**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.





**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





**SAINT PAUL  
POLICE**

CASE NUMBER: 22-045710

**INCIDENT REPORT**  
SAINT PAUL POLICE DEPARTMENT

**CAD Information**

**CAD Info 1**

**Info**

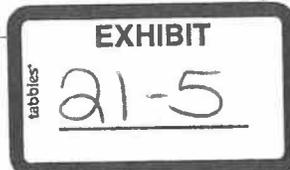
Location	: 857 Grand Avenue	Sector	: 1	Time Received	: 23:43
Locale	: Billys On Grand [857]	Grid	: 148	Time Sent	: 23:43
Call Date	:	Disposition	: Advise/Assist	Time Arrived	: 23:43
Occur Date	: 03/18/2022	Priority	: 2A	Time Cleared	: 01:48
Caller Information	:	Source	: Officer	Reopen Time	:
Address	:	Fire/Amb	:	Citation #	:
Phone	:	EDP	:		
		Alarm	:		
		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, EHDH	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

SAINT PAUL POLICE DEPARTMENT



Printed by: 237725 05/06/2022, 10:34



**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 23:43:27 Automatic 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 23:43:28 TD [2] Automatic Case Number(s) issued for Incident #[20220318-0136820], Jurisdiction: SPPD. Case Number(s): SP220318045710. requested by 125T. 03/18/2022 23:43:41 TD [3] Automatic Case Number(s) issued for Incident # [20220318-0136820], Jurisdiction: RCSO. Case Number(s): RC220318011518. requested by 2756. 03/18/2022 23:44:34 TD [4] 125T COUNTY HAS ONE IN CUSTODY ...ST PAUL NOT FIGHTING W/ ANYONE 03/18/2022 23:45:23 TD [5] 2756 cancel 10-01 03/18/2022 23:45:36 179 [6] no bwc 03/18/2022 23:54:03 TD [7] Secondary Location for 2756: L.E.C., 425 GROVE ST, St Paul, MN 55101. 03/18/2022 23:54:04 TD [8] 2756 W/ MALE 03/18/2022 23:55:12 TD [9] booking advised 03/18/2022 23:55:54 PNV [10] [Query] 2756, DL Query (QDP/QDR/QMO/DQ): MN,W823296737313 03/18/2022 23:55:55 PNV [11] [Query] 2756, Inform BOLO: MN,W823296737313 03/18/2022 23:55:55 PNV [12] [Query] 2756, Inform SI Person Query: MN,W823296737313 03/18/2022 23:56:14 PNV [13] [Query] 2756, DL Query (QDP/QDR/QMO/DQ): MN,JONES, LUTHER JOHN COLBERT, 19981127 03/18/2022 23:56:14 PNV [14] [Query] 2756, Inform BOLO: MN,JONES, LUTHER JOHN COLBERT 03/18/2022 23:56:14 PNV [15] [Query] 2756, Inform SI Person Query: MN,JONES, LUTHER JOHN COLBERT, 19981127 03/18/2022 23:56:57 PNV [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

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SAINT PAUL POLICE DEPARTMENT

Printed by: 237725 05/06/2022, 10:34



**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	:
Offenses	: Investigate-Code Enforcement	Resistance Encountered	: No

### 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: 22-01/1852





**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

SAINT PAUL POLICE DEPARTMENT

**EXHIBIT**

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22-077852

Printed by: 237725 05/06/2022, 17:54



**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 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.

SAINT PAUL POLICE DEPARTMENT



Printed by: 237725

05/06/2022, 17:54



**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.

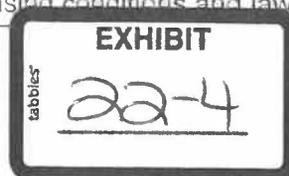
On 03/14/2022, & 03/21/2022, I was again notified by St. Paul Western District Command of two additional incidents that had occurred that were related to Billy's on Grand, 857 Grand Ave. St. Paul, MN. 55105.

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.

SAINT PAUL POLICE DEPARTMENT



Printed by: 237725 05/06/2022, 17:54



**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.

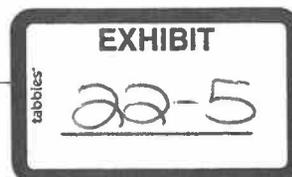
The requested video was received again by DSI prior to the deadline and reviewed but found to still be deficient. I advised Manager Hudak who then contacted Manager Wesley Spearman who indicated those cameras were offline at the time of incidents and he was trying to get them serviced for repair.

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

SAINT PAUL POLICE DEPARTMENT



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**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.

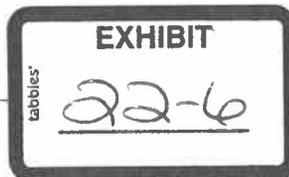
5. Security or staff will conduct outside sweeps of the building and parking lot at least twice an hour to disperse and discourage loitering from 10:00 p.m. during any day of operation until closing and shall remain at the licensed premises until all patrons have left the property/parking lot. All customers/patrons 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: 22-011832





**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





**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 :

CASE NUMBER: 22-011832





**SAINT PAUL  
POLICE**

CASE NUMBER: 22-077852

# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

## Offenses/Charges

### Charges

Description	Statute	Level Of Offense	UCR Code
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## 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 :

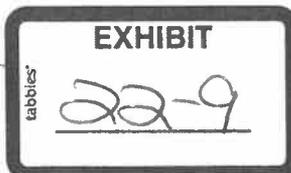
### Employment

Employer :  
 Type :

### Injuries

Type of Injury :

CASE NUMBER: 22-011832





**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
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**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 :

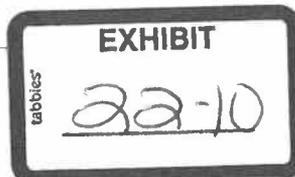
**Physical Description**

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: 22-011822





**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
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CASE NUMBER: 22-077852





**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**

Role Type : **Defendant**  
Name : **Billy'S On Grand**  
Type : **Restaurant/Bar/Club**  
Description :

**Phones**

Cell Phone :  
Contact Phone : **651-292-9140**  
Home Phone :  
Work Phone : **651-292-9140**  
Email Address :  
Fax :

**Offenses/Charges**

**Charges**

Description	Statute	Level Of Offense	UCR Code
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CASE NUMBER: 22-077852





**SAINT PAUL  
POLICE**

CASE NUMBER: 22-077852

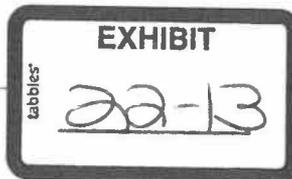
# INCIDENT REPORT

SAINT PAUL POLICE DEPARTMENT

### CAD Information

CAD Info 1							
<b>Info</b>							
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		
		Priority	: 4	Time Cleared	: 12:48		
Call Date	:	Source	: Phone	Reopen Time	:		
Occur Date	: 05/06/2022	Fire/Amb	:	Citation #	:		
Caller Information	:	EDP	:				
Address	:	Alarm	:				
Phone	:	ECC Console	: 27				
<b>Employees</b>							
<b>Officer</b>	<b>Squad</b>	<b>Type</b>	<b>Beat</b>	<b>Received</b>	<b>Sent</b>	<b>Arrived</b>	<b>Cleared</b>
GRAUPMAN, CHARLES	854	1	CN2	12:48	12:48	12:48	12:48
<b>CAD Comments</b>							
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							

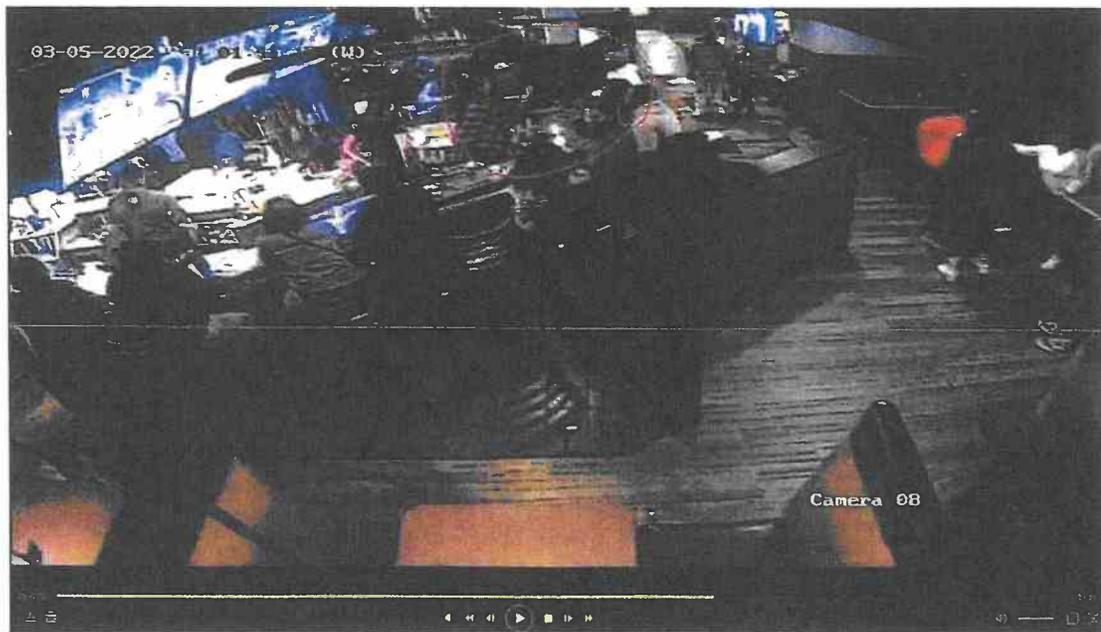
CASE NUMBER: 22-077852



Billy's On Grand Ave, 857 Grand Ave. - Video Snips 03/05/2022



Ch 09 @ 0140 hrs. Male customer placing drink order from bartender.

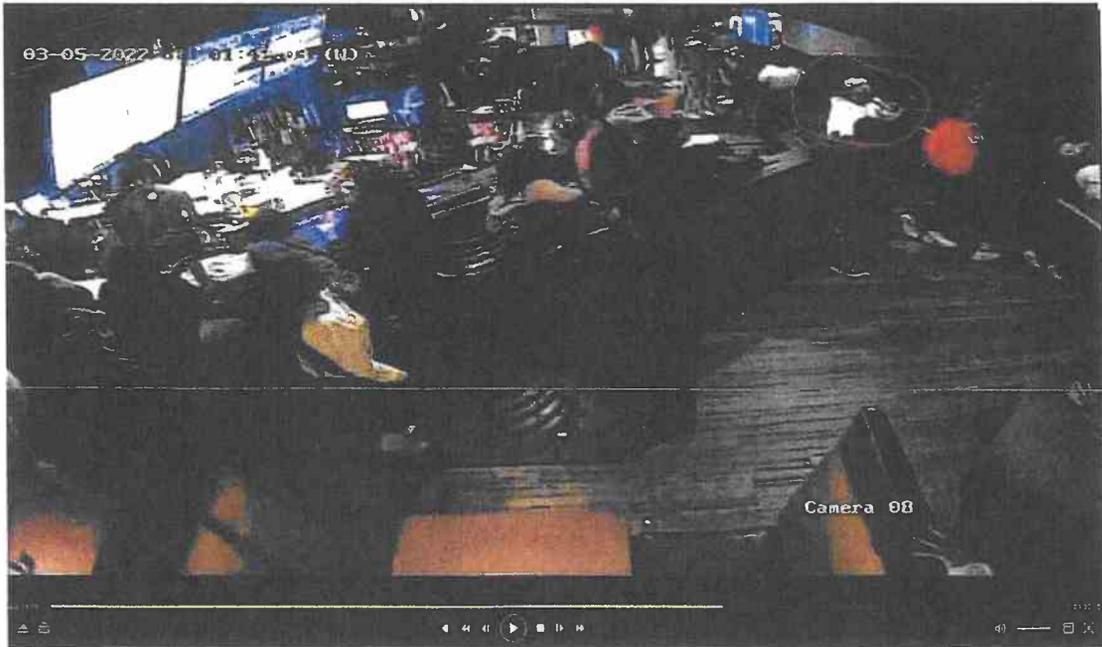


Ch 08 @ 0141 hrs. Bartender returning with drink order and handing to male customer.

EXHIBIT  
tabbles®  
23-1



Ch 08 @ 0141 hrs. Male customer making payment to bartender for drink order.



Ch 08 @ 0142 hrs. Male customer consuming purchased drink.





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  
tabbles® 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  
tabbles® 23-5



CH 01 @ 0148 hrs. Male customer with purchased drink, after leaving bar and on Grand Ave.

EXHIBIT  
tabbies 23-6

**\*\*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  
tabbles® 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  
tabbles® 23-8



860 St Clair Ave  
St Paul MN 55105

651.222.1222  
SummitHillAssociation.org

April 26th, 2022

To: Jeff Fischbach, DSI ([LH-Licensing@ci.stpaul.mn.us](mailto:LH-Licensing@ci.stpaul.mn.us))  
Ross Haddow, DSI ([ross.haddow@ci.stpaul.mn.us](mailto:ross.haddow@ci.stpaul.mn.us))  
Erik Hudak, DSI ([Eric.Hudak@ci.stpaul.mn.us](mailto:Eric.Hudak@ci.stpaul.mn.us))

CC: DWD Group LLC / Wesley Spearman ([wesleemalik@gmail.com](mailto:wesleemalik@gmail.com)) (Applicant)  
C.M. Rebecca Noecker ([Rebecca.Noecker@ci.stpaul.mn.us](mailto:Rebecca.Noecker@ci.stpaul.mn.us))  
Nhia Vang ([nhia.vang@ci.stpaul.mn.us](mailto: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.





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## 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



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St Paul MN 55105

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**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.





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#### 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.





Summit Hill  
A s s o c i a t i o n

860 St Clair Ave  
St Paul MN 55105

651.222.1222  
SummitHillAssociation.org

Kind regards,

Monica Haas  
Executive Director

Denise Aldrich  
President

Simon Taghioff  
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	<a href="#">316</a>
Amusement Rides	<a href="#">317</a>
Mechanical Amusement Devices	<a href="#">318</a>
Bed and Breakfast	<a href="#">378</a>
Bituminous Contractors	<a href="#">320</a>
Rooming and Boardinghouses; Dormitories	<a href="#">321</a>
Christmas Tree Sales	<a href="#">323</a>
Cigarettes/Tobacco	<a href="#">324</a>
Commercial Vehicles	<a href="#">167</a>
Building Contractors	<a href="#">326</a>
Courtesy Bench	<a href="#">127</a>
Dry Cleaning Establishments and Pickup Stations; Laundries	<a href="#">327</a>
Alarm Devices	<a href="#">329</a>
Food Protection Standards	<a href="#">331A</a>

Fuel Dealers—Liquid Fuel	113	<u>332</u>
Fuel Dealers—Solid Fuel		<u>333</u>
Pest Control		<u>334</u>
House Sewer Contractors		<u>338</u>
Keeping of Animals		<u>198</u>
Lawn Fertilizer and Pesticide Application		<u>377</u>
Mercantile Broker		<u>340</u>
Oil—Bulk Storage		<u>342</u>
Peddlers		<u>345</u>
Solicitors		<u>345</u>
Pet Grooming Facility		<u>382</u>
Pet Shops		<u>347</u>
Solid Waste Hauler		<u>357</u>
Rental of Hospital Equipment		<u>350</u>
Rental of Kitchenware		<u>351</u>
Rental of Trailers		<u>352</u>
Roller Rinks		<u>353</u>
Sanitary Disposal Vehicle		<u>354</u>
Secondhand Dealers (Single Location, Multiple Dealers)		<u>355</u>
Sidewalk Cafe		106
Sidewalk Contractors		<u>356</u>
Solid Waste Transfer Station		<u>357</u>
Sign and Billboard Construction		66 and 33
Sound Trucks and Broadcasting Vehicles		<u>359</u>
Public Swimming Pools		<u>360</u>
Tanning Facility		<u>380</u>
Wreckers and Tow Trucks		<u>361</u>
Taxicab Driver		<u>376</u>
Taxicab Vehicle		<u>376</u>
Tree Trimming		<u>362</u>
Food Vending Machines		<u>363</u>
Veterinary Hospital		<u>364</u>
Window Cleaning		<u>365</u>
Block Parties		<u>366</u>
Wrecking of Buildings		<u>368</u>
Building Trades Business Licenses		<u>369</u>
Building Trades Certificates of Competency		<u>370</u>
Finishing Shop		<u>371</u>
Tire Recapping Plants		<u>372</u>
Massage Center		<u>412</u>
Therapeutic Massage Practitioner		<u>414</u>
Vehicle Immobilization		<u>383</u>
Short-term Rental Platform		<u>379</u>
Short-term Rental Host		<u>379</u>

*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	<u>317</u>
Close-Out Sales	<u>325</u>
Transient Merchants	<u>345</u>
Gambling—Temporary	<u>402.06</u>
Entertainment—Temporary	<u>411</u>
Extension of Service Area-Liquor	<u>409</u>
Soliciting Funds—Tag Days	<u>391</u>
Temporary On-Sale Malt (3.2)	<u>410</u>
Temporary Wine, Wine Licenses for Festivals and Liquor	<u>409</u>
Secondhand Dealer—Exhibition	<u>355</u>

*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	<u>423</u>
Pool Hall, Bowling Center	<u>322</u>
New Motor Vehicle Dealer	<u>401</u>
Bingo	<u>402</u>
Bingo Halls	<u>403</u>
Cabaret	<u>426</u>
Private Clubs - Liquor	<u>409</u>
Dance or Rental Halls	<u>405</u>
Firearms Dealer	<u>225</u>
Gambling Hall	<u>278</u>
Game Rooms	<u>406</u>
Gas Station	<u>424</u>
Gambling Location	<u>409</u>
Hotel/Motel	<u>407</u>
Health/Sports Club	<u>427</u>
Infectious Waste Processing	<u>429</u>
Recycling Collection Center/Recycling Processing Center	<u>408</u>
Second Hand Dealer—Motor Vehicle Parts	<u>401</u>
Motor Vehicle Salvage Dealer	<u>422</u>
Intoxicating Liquor—On and Off Sale	<u>409</u>
Brewpub/Off-Sale	<u>409</u>
Off-Sale Brewery	<u>409</u>
Motorcycle Dealer	<u>401</u>

Pawn Shop	115	<u>344</u>
Nonintoxicating Liquor-On and Off Sale		<u>410</u>
Entertainment		<u>411</u>
Conversation/Rap Parlors		<u>413</u>
Steam Room/Bathouse		<u>428</u>
Theatres and Movie Theaters		<u>415</u>
Motion Picture Drive-In Theatres		<u>416</u>
Second Hand Dealer—Motor Vehicle		401
Parking Lots and Parking Garages		<u>417</u>
Scrap and Metal Processor		<u>420</u>
Liquor Extension of Service Hours		<u>409</u>
Liquor Outdoor Service Area (Patio)		<u>409</u>
Currency Exchange		<u>381</u>

*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.*

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- (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 licensee, 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	<sup>122</sup> \$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 <u>331A</u>	\$250.00	\$500.00 <sup>123</sup>	\$1,000.00, 5-day suspension	Revocation
(10) Non-critical violation under <u>331A</u>	\$150.00	\$250.00	\$500.00	\$1,000.00
(11) Taxi fail to display driver's license as required by <u>376.16(f)</u>	\$100.00	\$250.00	\$500.00	Revocation
(12) Taxi fail to display number of information and complaint office as required by <u>376.11(v)</u>	\$100.00	\$250.00	\$500.00	Revocation
(13) Violation of restrictions upon sidewalk café license under <u>106.01(b)</u>	\$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~~<sup>126</sup> created or have created a serious danger to the public health or 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.* <sup>127</sup> 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

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- (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 renewal of a license who makes application for such renewal after the expiration date of such license shall be charged a late fee for each such license. The late fee shall be in addition to any other fee or payment required, and shall be ten (10) percent of the annual license fee for such license for each thirty-day period or portion thereof which has elapsed after the expiration date of such license. The late fee shall not exceed fifty (50) percent of the annual license fee. If any provision of these chapters imposes more stringent or additional requirements for the issuance of an original license than would be required 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

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 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

	133	
<u>165</u>	Agricultural Vehicle Parking Permit	\$21.00
<u>316.02</u>	Animal Foods Manufacturing and Distribution	79.00
<u>317.01</u>	Amusement Rides	79.00
<u>323.02</u>	Christmas Tree Sales	79.00
<u>325.02</u>	Close Out Sale	79.00
<u>327.03</u>	Laundry Dry Cleaning Pickup Station	79.00
<u>332.03</u>	Liquid Fuel Vehicle	79.00
<u>333.03</u>	Solid Fuel Vehicle	79.00
<u>340.04</u>	Mercantile Broker	79.00
<u>345.04</u>	Peddler (Solicitor/Transient)	79.00
<u>346.03</u>	Mobile Retail Vehicle	79.00
<u>348.01</u>	Animal Day Care	77.00
<u>348.01</u>	Animal Boarding	77.00
<u>350.02</u>	Rental of Hospital Equipment	79.00
<u>350.02</u>	Rental of Hospital Equipment Vehicle	79.00
<u>351.03</u>	Rental of Kitchenware	79.00
<u>353.02</u>	Roller Rinks	79.00
<u>355.02</u>	Secondhand Dealer-Single Location	79.00
<u>357.03</u>	Solid Waste Hauler—Each Vehicle Over One	79.00
<u>359.03</u>	Sound Trucks and Broadcast Vehicles	79.00
<u>371.02</u>	Finishing Shop	79.00

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<u>361.01</u>	Tow Truck/Wrecker Vehicle	79.00
<u>362.02</u>	Tree Trimmer—Additional Vehicle	79.00
<u>372.02</u>	Tire Recapping Plant	79.00
<u>377.03</u>	Lawn Fertilizer and Pesticide Application	79.00
<u>382.03</u>	Pet Grooming Facility	79.00
<u>409.05(b), 410.07(c)</u>	Liquor-Outdoor Service Area (Patio)	79.00
<u>424.02</u>	Gas Stations	104.00

## (b) ENFORCEMENT LEVEL 2

Chapter/Section		
No.	License Description	Fee
<u>320.03</u>	Bituminous Contractor	\$194.00
<u>322.02(a)</u>	Pool Halls	194.00
<u>322.02(b)</u>	Bowling Centers	194.00
<u>326.06</u>	Building Contractors	194.00
<u>327.03</u>	Laundry/Dry Cleaning Plants	194.00
<u>332.03</u>	Fuel Dealers—Liquid	194.00
<u>333.03</u>	Fuel Dealers—Solid	194.00
<u>334.03</u>	Pest Control	194.00
<u>338.02</u>	House Sewer Contractors	194.00
<u>342.02</u>	Bulk Oil Storage	194.00

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<u>347.03</u>	Pet Shop	194.00
<u>352.03</u>	Rental of Trailers	194.00
<u>355.02</u>	Secondhand Dealer—Exhibitions	194.00
<u>356.02</u>	Sidewalk Contractors	194.00
<u>362.02</u>	Tree Trimming (with One Vehicle)	194.00
<u>364.02</u>	Veterinary Hospital	194.00
<u>365.02</u>	Window Cleaning	194.00
<u>401.02</u>	Motorcycle Dealer	194.00
<u>405.02</u>	Dance or Rental Hall	297.00
<u>406.04</u>	Game Room	194.00
<u>408.03</u>	Recycling Collection Center	194.00
<u>415.04</u>	Theaters and Movie Theaters	194.00
<u>416.03</u>	Motion Picture Drive-in Theater	194.00
<u>426.04</u>	Cabaret (Class A and B)	194.00

## (c) ENFORCEMENT LEVEL 3

Chapter/Section		
No.	License Description	Fee
<u>225.04(a)</u>	Firearms	\$375.00
<u>324.04</u>	Cigarettes	495.00
<u>354.02</u>	Sanitary Disposal Vehicle	375.00

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<u>355.02</u>	Secondhand Dealer-Multiple Dealers	375.00
<u>357.03</u>	Solid Waste Hauler and Vehicle	375.00
<u>360.03</u>	Public Swimming Pools	375.00
<u>360.03</u>	Whirlpools	375.00
<u>361.13</u>	Tow Truck/Wrecker Operator	375.00
<u>383.03</u>	Vehicle Immobilization Service	375.00
<u>376.04</u>	Taxicabs	434.00
<u>376.05</u>	Taxicabs (Reciprocity Event)	34.00
<u>379.02</u>	Short-term Rental Platform License	10,353.00
<u>379.02</u>	Short-term Rental Host License	42.00
<u>381.02(d)</u>	Currency Exchanges	375.00
<u>401.02</u>	New Motor Vehicle Dealer	375.00
<u>401.02</u>	Secondhand Dealer Motor Vehicle Parts	469.00
<u>401.02</u>	Secondhand Motor Vehicle Dealer	469.00
<u>407.03</u>	Hotel/Motel—To 50 rooms	375.00
<u>407.03</u>	Hotel—Each additional room over 50	13.00
<u>409.07.1(a),</u> <u>410.04(c)</u>	Liquor—Extension of Service Hours	375.00
<u>412A.03</u>	Massage Center—Adult	375.00
<u>412A.03</u>	Environmental Plan Review Massage Center Adult	413.00
<u>413.04</u>	Conversation/Rap Parlor (A and B)	375.00
<u>415.04</u>	Mini-Motion Picture Theater—Adult	375.00

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<u>417.04</u>	Parking Lots and Parking Garages	375.00
<u>417.04</u>	Parking Garages (Government)	0.00
<u>417.04</u>	Parking Garages (Private)	367.00
<u>422.02</u>	Motor Vehicle Salvage Dealer	375.00
<u>423.02(b)</u>	Auto Body Repair Garage	469.00
<u>423.02(a)</u>	Auto Repair Garage	469.00
<u>427.04</u>	Health/Sports Clubs	375.00
<u>427A.04</u>	Health/Sports Club (Adult)	375.00
<u>428.04</u>	Steam Room/Bath House (Class A and B)	375.00
<u>423.02(b)</u>	Auto Body Repair/Painting Shop	469.00

## (d) ENFORCEMENT LEVEL 4

Chapter/Section		
No.	License Description	Fee
<u>331A.04</u>	Catering-Limited	\$ 326.00
<u>331A.04</u>	Environmental Plan Review—Catering—Limited	380.00
<u>331A.04</u>	Catering	570.00
<u>331A.04</u>	Environmental Plan Review—Catering	625.00
<u>331A.04</u>	Catering—Add on	250.00
<u>331A.04</u>	Environmental Plan Review—Catering—Add on	380.00
<u>331A.04</u>	Customer Appreciation—Food Sales	55.00

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<u>331A.04</u>	Day Care Food	109.00
<u>331A.04</u>	Food Give-Away	55.00
<u>331A.04</u>	Food Processing/Packaging/Distributing	217.00
<u>331A.04</u>	Environmental Plan Review—Food Processing/Packaging/Distributing	380.00
<u>331A.04</u>	Food Vehicle	92.00
<u>331A.04; 363.02(a)</u>	Food Vending Machine	16.00
<u>331A.04; 363.02(a)</u>	Food Vending Machine Operator	136.00
<u>331A.04</u>	Food/Boarding Facility	353.00
<u>331A.04</u>	Environmental Plan Review—Food/Boarding Facility	380.00
<u>331A.04</u>	K—12 School Food Service	217.00
<u>331A.04</u>	Environmental Plan Review — K—12 School Food Service	272.00
<u>331A.04</u>	K—12 School Food Service—Limited	109.00
<u>331A.04</u>	Environmental Plan Review—K—12 School Food Service—Limited	136.00
<u>331A.04</u>	Mobile Food Vehicle	244.00
<u>331A.04</u>	Mobile Food Cart—Limited	110.00
<u>331A.04</u>	Mobile Food Cart—Full	217.00
<u>331A.04</u>	Environmental Plan Review—Restaurant (1)	381.00
<u>331A.04</u>	Environmental Plan Review—Restaurant (2)	381.00
<u>331A.04</u>	Environmental Plan Review—Restaurant (3)	625.00
<u>331A.04</u>	Environmental Plan Review—Restaurant (4)	625.00

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<u>331A.04</u>	Environmental Plan Review—Restaurant (5)	625.00
<u>331A.04</u>	Restaurant (D)—Add-On	272.00
<u>331A.04</u>	Environmental Plan Review Restaurant (D) Add-On	381.00
<u>331A.04</u>	Restaurant (D)—Add-on (Bar Only)	109.00
<u>331A.04</u>	Environmental Plan Review Restaurant (D) Add-On (Bar Only)	190.00
<u>331A.04</u>	Restaurant (E)—Extension	164.00
<u>331A.04</u>	Environmental Plan Review—Restaurant (E)—Extension	136.00
<u>331A.04</u>	Environmental Plan Review—Restaurant (L)—Limited	381.00
<u>331A.04</u>	Restaurant (L)—Limited	272.00
<u>331A.04</u>	Restaurant (1)—no seats	435.00
<u>331A.04</u>	Restaurant (2)—1—12	478.00
<u>331A.04</u>	Restaurant (3)—13—50	580.00
<u>331A.04</u>	Restaurant (4)—51—150	631.00
<u>331A.04</u>	Restaurant (5)— 151 and over	673.00
<u>331A.04</u>	Retail Food Establishment (A)—1 to 100 Sq. Ft.	82.00
<u>331A.04</u>	Environmental Plan Review—Retail Food Establishment (A)	136.00
<u>331A.04</u>	Retail Food Establishment (B)—101 to 1000 Sq. Ft.	109.00
<u>331A.04</u>	Environmental Plan Review Retail Food Establishment (B)	272.00
<u>331A.04</u>	Retail Food Establishment (C)—1001 to 3000 Sq. Ft.	408.00
<u>331A.04</u>	Environmental Plan Review Retail Food Establishment (C)	408.00
<u>331A.04</u>	Retail Food Establishment (D)—3001 to 6000 Sq. Ft.	652.00

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<u>331A.04</u>	Environmental Plan Review Retail Food Establishment (D)	516.00
<u>331A.04</u>	Retail Food Establishment (E)—6001 to 10,000 Sq. Ft.	978.00
<u>331A.04</u>	Environmental Plan Review Retail Food Establishment (E)	652.00
<u>331A.04</u>	Retail Food Establishment (F)—over 10,000 Sq. Ft.	1,413.00
<u>331A.04</u>	Environmental Plan Review Retail Food Establishment (F)	816.00
<u>331A.04</u>	Retail Food Establishment—Farmers' Market	164.00
<u>331A.04</u>	Retail Food Establishment—Temporary	65.00
<u>331A.04</u>	Retail Food Establishment—Nonprofit	27.00
<u>331A.04</u>	Environmental Plan Review—Retail Food Establishment— Nonprofit	55.00
<u>331A.04</u>	Retail Food Establishment—Secondary Facility	82.00
<u>331A.04</u>	Environmental Plan Review Retail Food Establishment— Secondary Facility	381.00
<u>331A.04</u>	Retail Food Establishment—Restricted Food Service	79.00
<u>331A.04</u>	Special Event Food Sales—1 to 3 days (up to <u>150</u> sq. feet)	190.00
<u>331A.04</u>	Special Event Food Sales—4 to 10 days (up to <u>150</u> sq. feet)	217.00
<u>331A.04</u>	Special Event Food Sales—Up to 3 events (up to <u>150</u> sq. feet)	217.00
<u>331A.04</u>	Special Event Food Sales—late fee	50% of special event food sales fee
<u>331A.04</u>	Special Event Food Sales (Nonprofit) (up to <u>150</u> sq. feet)	55.00
<u>331A.04</u>	Special Event Food Sales—Extension (up to <u>150</u> sq. feet)	109.00
<u>331A.04</u>	Special Event Food Sales—Each additional <u>150</u> square feet portion thereof	25% of special event foods sales fee

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<u>331A.04</u>	Special Event Food Sales—Each additional location fee	85.00
<u>331A.04</u>	Nonprofit 1 Day Special Event—1—10 Stands	275.00
<u>331A.04</u>	Nonprofit 1 Day Special Event—Each Additional 10 Stands or Portion of 10 Stands	275.00
<u>331A.04</u>	Seasonal Temporary Food Stand	244.00

## (e) ENFORCEMENT LEVEL 5

Chapter/Section		
No.	License Description	Fee
<u>409.27</u>	2:00 a.m. closing	\$55.00
<u>409.05(i)</u>	Intoxicating Liquor—Fee waived for government agencies	0.00
<u>409.01(c)</u>	Liquor Catering Permit—Annual	178.00
<u>409.02</u>	Off-Sale Microdistillery	190.00
<u>409.05(b)</u>	Liquor Catering Permit—Temporary	55.00
<u>409.05(b)</u>	On-Sale—100 seats or less	4,964.00
<u>409.05(b)</u>	On-Sale—101—180 seats	5,497.00
<u>409.05(b)</u>	On-Sale—181—290 seats	5,889.00
<u>409.05(b)</u>	On-Sale—291 or more seats	5,970.00
<u>409.05(b)</u>	On-Sale—Theater	1,772.00
<u>409.25(b)</u>	Temporary Liquor	55.00
<u>409.05(f)</u>	On-sale Club—Under 200 members	300.00
<u>409.05(f)</u>	On-sale Club—201—500 members	500.00

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<u>409.05(f)</u>	On-sale Club—501—1,000 members	650.00
<u>409.05(f)</u>	On-sale Club—1,001—2,000 members	800.00
<u>409.05(f)</u>	On-sale Club—2,001—4,000 members	1,000.00
<u>409.05(f)</u>	On-sale Club—4,001—6,000 members	2,000.00
<u>409.05(f)</u>	On-sale Club—6,000+ members	3,000.00
<u>409.05(h)</u>	Additional family members	57.00
<u>409.02</u>	Brewpub/Off-sale (Growler)	190.00
<u>409.02</u>	Off-Sale Brewery	190.00
<u>409.05</u>	Off-Sale	1,398.00
<u>409.07(b)(2)</u>	Sunday On-Sale	200.00
<u>409.11(b)</u>	Extension of Service Area—Temporary	63.00
<u>410.07(a)(8), 409.15(b)</u>	Wine On-Sale	2,000.00
<u>409.25</u>	Temporary Wine	55.00
<u>409.25</u>	Wine Licenses for Festivals	55.00
<u>409.15(d)</u>	On-Sale Malt (Strong)	659.00
<u>409.28</u>	Brewery Taproom	659.00
<u>409.31</u>	Microdistillery Cocktail Room	659.00
<u>410.02</u>	On-Sale Malt (3.2)	659.00
<u>410.02, 410.11</u>	On-Sale Malt—Fee waived for municipal golf courses	0.00
<u>410.02</u>	Off-Sale Malt	208.00
<u>410.10(a)</u>	Temporary Malt	55.00

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<u>411.03</u>	Entertainment—Class A	257.00
<u>411.03</u>	Entertainment—Class B	622.00
<u>411.03</u>	Entertainment—Class C	2,955.00
<u>411.05</u>	Entertainment Temporary	32.00
<u>409.08</u>	Live Music Event—18 and Up	32.00
<u>409.15(e)</u>	Culinary On-sale	236.00
<u>409.01</u>	Private Event—Restaurant/Liquor Caterer	32.00

## (f) ENFORCEMENT LEVEL 6

Chapter/Section		
No.	License Description	Fee
<u>329.02</u>	Alarm Permits	\$40.00
<u>317.01</u>	Amusement Rides—Temporary	30.00
<u>106.01(b)</u>	Sidewalk Café—Food Only	37.00
<u>106.01(b)(4)</u>	Sidewalk Café—Liquor	37.00
<u>127.04</u>	Courtesy Benches	24.00
<u>127</u>	Courtesy Benches Transfer	16.00
<u>293.09</u>	Noise Variance	178.00
<u>368.02</u>	Wrecking of Buildings	60.00
<u>369.03</u>	Building Trades Business License	174.00
<u>370.09</u>	Building Trades Certificates of Competency	22.00
<u>370.17</u>	Trade Worker—Tier 1	34.00

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<u>370.17</u>	Trade Worker—Tier 2	65.00
<u>278.03</u>	Gambling Hall	412.00
<u>318.02</u>	Mechanical Amusement Device	19.00
<u>318.02</u>	Music Machine	19.00
<u>318.02</u>	Amusement Rides	19.00
<u>318.02</u>	T.V. Units	19.00
<u>344.02(a)</u>	Pawn Shops	2,955.00
<u>344.02(b)</u>	Pawn Shop Billable Transaction Fee	3.00
<u>373</u>	Transportation Network Companies	38,069.00
<u>374.3</u>	Commercial Pedal Car Driver	47.00
<u>374.3</u>	Commercial Pedal Car Vehicle	109.00
<u>374.3</u>	Commercial Pedal Car Business	326.00
<u>375.2(a)</u>	Pedicab Vehicle	105.00
<u>375.2(b)</u>	Pedicab Driver	47.00
<u>376</u>	Taxicab Vehicle—Duplicate Sticker	19.00
<u>376</u>	Taxicab Replacement Vehicle Sticker	52.00
<u>376.05</u>	Taxicab Driver (Reciprocity Event)	33.00
<u>376.16(d)</u>	Taxicab Driver (new)	47.00
<u>376.16(i)</u>	Taxicab Driver Renewal	47.00
<u>376</u>	Taxicab Driver Duplicate Identification Card	6.00
<u>376.17(d)</u>	Taxicab Driver (provisional)	47.00

<u>391.02</u>	Soliciting Funds—Tag Days	24.00
<u>402.08</u>	Temporary Gambling (3 types)	55.00
<u>403.03</u>	Bingo Halls	212.00
<u>409.05(g)</u>	Gambling Location	78.00
<u>409.08(11)</u>	Modification of Parking	445.00
<u>359.03</u>	Sound Trucks and Broadcast Vehicles Nonprofit Organizations)	29.00
<u>380.04</u>	Tanning Facility	98.00
<u>380.04</u>	Environmental Plan Review Tanning Facility	178.00
<u>414.02</u>	Massage or Bodywork Practitioner—One Location	98.00
<u>414.02</u>	Massage or Bodywork Practitioner—Each Additional Location	29.00
<u>414.02</u>	Massage Center (Class A)—One practitioner	93.00
<u>412.04</u>	Massage Center (Class A)—Two or more practitioners	243.00
<u>412.04</u>	Therapeutic Massage Practitioner—Temporary	46.00
<u>412.04</u>	Environmental Plan Review Massage Center (Class A)	437.00
<u>412.04</u>	Massage Center (Class B)	98.00
<u>412.04</u>	Environmental Plan Review Massage Center (Class B)	178.00
<u>357.03</u>	Solid Waste Transfer Station	1,771.00
<u>408.03</u>	Recycling Processing Center	887.00
<u>429.03</u>	Infectious Waste Processing Facility	1,771.00
<u>198.04(c)</u>	Keeping of Animal (includes more than three (3) chickens	77.00
<u>198.04(c)</u>	Keeping of Animal—Renewal	28.00

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<u>198.04(c)</u>	Tier 1 Chicken Permit	26.00
<u>198.04(c)</u>	Tier 1 Chicken Permit Renewal	16.00
<u>198.04(c)</u>	Tier 2 Chicken Permit	77.00
<u>198.04(c)</u>	Tier 2 Chicken Permit Renewal	28.00
<u>198.04(c)</u>	Keeping of More than Three (3) Cats	77.00
<u>198.04(c)</u>	Keeping of More than Three (3) Cats (Renewal)	28.00
<u>200.03</u>	Dog License—Annual Altered	20.00
<u>200.03</u>	Dog License—Annual Unaltered	81.00
<u>200.03</u>	Dog License—Annual Altered Reduced	10.00
<u>200.03</u>	Dog License—Lifetime (with Microchip, altered)	142.00
<u>200.03</u>	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
<u>200.04</u>	Dog License—Replacement	10.00
<u>200.07</u>	Impounding Fee	36.00
<u>200.02(a)</u>	Unlicensed Dog	59.00
<u>200.121(e)</u>	Dangerous Dog Registration	305.00
<u>200.07</u>	Boarding Fee—Per Day	19.00
	Animal Adoption—St. Paul Resident	51.00
	Rabies Vaccination for impounded dogs, cats, ferrets	30.00

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	Microchipping for impounded animals	30.00
	Delinquent License Renewal fee (per month)	5.00
<u>376.17</u>	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

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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.

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- (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:*

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**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:

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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 barter 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.

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- (13) A copy of the Minnesota buyer's card or application therefor, and a copy of the federal retail dealer tax stamp or application 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 seating 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<sup>166</sup> 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)

- (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 <sup>169</sup>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<sup>171</sup> intoxicating liquor purposes, existing off-street parking facilities within the building shall be provided with a visual screen where the parking facility adjoins or abuts across an alley any residential zoning district. The screen shall be between four and one-half (4½) and six and one-half (6½) feet in height and have sufficient density to visually separate the parking facility from the adjacent residential use district. The screen may be constructed of various fence materials, earth berms, plant materials or a combination thereof. Access by patrons to the parking facility from an adjacent alley should generally be prohibited. This regulation shall not apply to a license issued to a private nonprofit 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~~<sup>thirty</sup> (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. Such 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, number or description of each such firearm listed in the first notice, kept on or within the licensed premises, within five (5) days following any such change. The licensee is responsible for ensuring that the notification given to the chief is updated and accurate in 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. 174

- 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;

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- (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 <sup>177</sup>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)

- (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.

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- (2) Use of the licensed premises shall be by means of a written lease agreement between the licensee and the charitable organization. All leases shall comply with the provisions of Minn. Stat. chapter 349 and the rules promulgated pursuant thereto. The lease shall expire with the premises permit; a copy shall be filed with the department of safety and inspection director, and also a copy must be kept on the premises and available for public inspection upon request. Leases shall be 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 pulltab 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.* <sup>186</sup>

- (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<sup>188</sup> 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	

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(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<sup>st</sup> 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<sup>st</sup> 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<sup>nd</sup> 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

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 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 <sup>192</sup> 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)