



Legislation Details (With Text)

File #: RES 22-882 **Version:** 1
Type: Resolution **Status:** Passed
In control: City Council
Final action: 6/15/2022

Title: Approving adverse action against the Liquor on Sale - 101 - 189 seats, Liquor on Sale - Sunday, Liquor on Sale - 2AM Closing, Liquor - Outdoor Service Area - Patio, and Entertainment B License held by RAS Ethiopian Bar & Restaurant LLC d/b/a RAS Restaurant & Lounge (License ID #20100000062) at 2516 7th Street West.

Sponsors: Chris Tolbert

Indexes:

Code sections:

Attachments: 1. Exhibit 1 - May 6, 2022 Notice of Violation and Request for Upward Departure to Revocation, 2. Exhibit 2 - Licensee's Information from EClips System, 3. Exhibit 3 - License Group Comments Text, 4. Exhibit 4 - SPPD report 22010938 (Redacted) with Photo stills, 5. Exhibit 5 - Photo stills from SPPD, 6. Exhibit 6 - SPPD reports 19160830, 15143846, 14066843, 7. NCH RAS Lounge, 8. RES 22-882 Dr. Daniel Abebe email, 9. Brian Alton email and letter, 10. June 15, 2022 TAS response to Brian Alton;s Inquiry to Adam Yust re RAS

Date	Ver.	Action By	Action	Result
6/16/2022	1	Mayor's Office	Signed	
6/15/2022	1	City Council	Adopted	Pass

Approving adverse action against the Liquor on Sale - 101 - 189 seats, Liquor on Sale - Sunday, Liquor on Sale - 2AM Closing, Liquor - Outdoor Service Area - Patio, and Entertainment B License held by RAS Ethiopian Bar & Restaurant LLC d/b/a RAS Restaurant & Lounge (License ID #20100000062) at 2516 7th Street West.

WHEREAS, the Liquor on Sale - 101 - 189 seats, Liquor on Sale - Sunday, Liquor on Sale - 2AM Closing, Liquor - Outdoor Service Area - Patio, and Entertainment B license ("Licenses") held by RAS Ethiopian Bar & Restaurant LLC d/b/a RAS Restaurant & Lounge (License ID #20100000062) at 2516 7th Street West in Saint Paul ("Licensed Premises") were the subject of a Notice of Violation and Request for Upward Departure to Revocation, herein incorporated as Exhibit 1 ("Notice") sent May 6, 2022; and

WHEREAS, records from the Department of Safety and Inspections, herein incorporated as Exhibit 2, show that the Licensee is Zinash Amde and that the Manager for the Licensed Premises is DJ Bedasso; and

WHEREAS, the Licenses held by the Licensee have the following special conditions:

1. The licensee shall provide and maintain working video surveillance cameras and recorders on the premises (both inside and outside) in accordance with Saint Paul Police Department (SPPD) recommendations. The number of cameras, their placement and their quality must be approved by SPPD; and there shall be adequate lighting to support the camera placement. This equipment must be in operation during all business hours. Tapes/recordings must be maintained for a minimum of thirty (30) days, and there shall be an employee on-staff at all times with the ability to make them immediately available to the SPPD and/or the

Department of Safety and Inspections (DSI) upon request. Video surveillance equipment shall be installed prior to the issuance of any license(s).

2. The licensee shall provide an adequate security staff from 9:30 p.m. until 2:30 a.m. (or until all customers/patrons have left the premises, including the parking lot area) every Friday and Saturday night to ensure a safe and secure environment for the public and their employees. Security personnel are in addition to bartenders, servers, and cooks (staff assigned to these duties are not considered part of the security staff), and shall wear clothing that clearly identifies them as security. The licensee and security staff shall be responsible for monitoring both the interior and exterior of the premises, and shall patrol the parking lot area on a regular basis.
3. Last call shall be given no later than 1:30 a.m., and the licensee shall ensure that all patrons have left the premises (including the parking lot area) no later than 2:30 a.m.
4. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.
5. The food and beverage (both alcoholic and non-alcoholic) service to the patio must stop at 10:00 PM each night of the week. Patrons will be allowed to smoke on the patio until 2:00 AM.
6. The licensee shall post signs in Ethiopian and English in their restaurant and on Sibley Manor property to communicate to their customers that there shall be no parking on Sibley Manor property.
7. The licensee shall keep all windows and doors closed whenever entertainment is provided.
- 8 No audible entertainment may be provided outside the establishment (e.g., the patio seating area).
9. The licensee shall contract for weekly trash service.
10. The license holder shall make sure that all refuse and trash that is on the premises and/or surrounding sidewalk is removed from the licensed premises, and the surrounding sidewalk by noon on a daily basis.
11. Licensee agrees to maintain the off-street plan on file with the Department of Safety and Inspections dated 02/27/2013. This includes maintaining the striping of the parking lot, compact and handicap parking space signage, vehicle curb-stop parking barriers, trash container fencing, and bike rack.
12. Licensee agrees to maintain a barrier sufficient to prevent customer and/or employee vehicles from parking and/or driving on the separate parcel of vacant land with property identification number 212823140004 (located immediately behind this property). The current approved barrier is the curb- stop parking barriers as shown on the approved site plan on file with DSI dated 02/27/2013. Further, licensee agrees to obtain prior written site plan approval from DSI, and to make all necessary improvements to this vacant parcel of land as required under this approval process, before using this property In any manner (e.g., parking of customer and/or employee vehicles, allowing access to this vacant parcel of land from their property, placement of trash/recycling containers, etc.); and

WHEREAS, records herein incorporated as Exhibit 3 show numerous past adverse actions and also show that this is the third adverse action against the Licenses held by Licensee in the last 18 months with the two most recent adverse actions being:

- On April 12, 2021, the Licensee paid a \$500 matrix penalty after inspectors documented violations of License Conditions #11 and #12

- On March 31, 2022, the Licensee paid a \$1,000 matrix penalty after inspectors documented violations of license conditions #11 and #12; and

WHEREAS, On January 24, 2022, Sgt. Charles Graupman the Saint Paul Police Officer assigned to the Department of Safety and Inspections (DSI) was made aware of an assault on a minor that occurred at the licensed premises on January 21, 2022; and

WHEREAS, On January 25, 2022, 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 Thursday, January 20, 2022, from 11:30 p.m. until 2:00 a.m. Friday, January 21, 2022; and

WHEREAS, On January 26, 2022, while delivering a copy of the Surveillance video request letter to the licensed premises, Licensing Manager Eric Hudak was given a copy of the requested video; and

WHEREAS, Licensing Manager Hudak turned over the copy of the surveillance video to Sgt. Graupman; and

WHEREAS, Sgt. Graupman turned over a copy of the surveillance video to Saint Paul Police; and

WHEREAS, on March 23, 2022, Saint Paul Police closed the assault case as pended and the matter was then investigated by the Department of Safety and Inspections for licensing violations; and

WHEREAS, on April 27, 2022, Sgt. Graupman reviewed the requested video and observed and documented 9 separate violations that would give rise to adverse action in a report and still photos herein incorporated as Exhibit 4. These violations included:

- Licensee allowed service to minors (one of which was the victim of the assault) who were 19 and 15 years old on January 21, 2022 in violation of state law and Saint Paul Legislative Code Section 409.08(2) (a).
- Licensee violated License Condition #1 on January 21, 2022 when there was not an employee on staff with the ability to make video available for viewing to SPPD officers who were investigating a felony level assault on a minor.
- Licensee violated License Condition #1 a second time when on January 21, 2022 video technician, James Legierski requested immediate production of the video from the assault on the minor that took place on the Licensed Premises and staff told him that that he would need to call back in an hour or two.
- Licensee violated License Condition #1 a third time when on January 21, 2022 video technician, James Legierski requested immediate production of the video from the assault from the owner/manager, DJ who told him he would need to wait until January 24, 2022.
- Licensee violated License Condition #1 a fourth time when on January 24, 2022 video technician, James Legierski went to pick up video from the assault after the owner, DJ told him it was ready and no one was able to product the video.

- Licensee violated License Condition #1 when on January 25, 2022, the Licensee failed to provide a complete copy of the video requested by SPPD (Video technician Legierski) and DSI (Licensing Manager Hudak).
- Licensee failed to allow SPPD officers who were investigating a felony level assault on a minor access to the Licensed Premises on January 21, 2022 in violation of 409.8 (7).
- On January 21, 2022, Licensee failed to take reasonable and adequate steps to prevent one person from leaving the licensed premises with an alcoholic beverage in violation of Saint Paul Legislative Code Section 409.08(15).
- Licensee violated License condition #4 when on January 21, 2022 Licensee failed to notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.; and

WHEREAS, revocation is the presumptive penalty within the penalty matrix for a third violation when the current allegations are refusal to allow city inspectors or police admission to inspect the premises; and

WHEREAS, even without the failure to allow access to the police allegation, the Department believes that the facts alleged in the Notice (Exhibit 1), the police reports and still photos taken from the video for the January 21, 2022 incident (Exhibits 4 and 5) and CN's 19160830, 15143846 and 14066843, herein incorporated as Exhibit 6, document a pattern of failure to provide video when serious incidents occur on the licensed premises provide ample basis for revocation under Saint Paul Legislative Code including:

- Section 310.06 (b)(5) which 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) which 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) which 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) which 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) which 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".
- Section 310.05 (m) which states that "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".

- Section (m)(ii) which states that the “occurrence of multiple violations shall be grounds for departure from such penalties in the council’s discretion.”
- Section (m)(iv) which addresses subsequent appearances stating, “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”; and

WHEREAS, the Notice (Exhibit 1) laid out the following options for the Licensee:

At this time you have (3) options to proceed:

1. If you do not contest the imposition of the proposed adverse action and revocation of your licenses, you may do nothing. If I have not heard from you by **May 20, 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 and revocation of your licenses.
2. If you wish to admit the facts but you contest the revocation of your license, 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 20, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the penalty recommended by the Department and revoke your licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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 20, 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).

If you have not contacted me by May 20, 2022, I will assume that you do not contest the imposition of the penalty recommended by DSI and the revocation of your licenses. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.; and

WHEREAS, the Licensee failed to respond to the Notice; now, therefore, be it

RESOLVED, that Licensee failed to respond to the Notice of Violation and as a result his opportunity to contest the revocation of their licenses has passed; and be it

FURTHER RESOLVED, the record shows that this is a third violation within 18 months, that one of the violations was refusal to allow police access to the premises and that SPLC section § 409.26(b)(7) states that the presumed penalty for this violation is revocation; and be it

FURTHER RESOLVED, the Council finds that even if this were not a presumed revocation that §409.26 (a) states that the council may deviate from the presumed penalty when it “finds and determines that there exist substantial and compelling reasons making it more appropriate to do so.” §409.26(c) states that “The occurrence of multiple violations shall be grounds for departure from such [matrix]penalties in the council's discretion”; and be it

FURTHER RESOLVED, Council finds that the nature of the violations, including refusal to cooperate with the police investigation of an assault on the licensed premises, failure to notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior in violation of a condition on their license, multiple failures to provide requested video in violation of the conditions on their license, serving alcohol to underaged patrons, and allowing patrons to leave the premises with alcohol, create danger for patrons and the public and would be substantial and compelling reasons to depart upward; and be it
and be it

FINALLY RESOLVED THAT, all Licenses held by RAS Ethiopian Bar & Restaurant LLC d/b/a RAS Restaurant & Lounge (License ID #20100000062) for the premises located at 2516 7th Street West are hereby revoked.