



## Legislation Details (With Text)

**File #:** RES 17-1643 **Version:** 1

**Type:** Resolution **Status:** Passed

**In control:** City Council

**Final action:** 10/18/2017

**Title:** Approving adverse action against the Dance or Rental Halls license held by Eritrean Community Center of MN at 1935 University Avenue West.

**Sponsors:** Russ Stark

**Indexes:**

**Code sections:**

**Attachments:** 1. Notice of Violation and Notice of Intent to Impose Additional Conditions with Affidavit of Service.pdf, 2. Amended Notice of Violation and Intent to Impose Additional License Conditions with Affidavit of Service.pdf

Date	Ver.	Action By	Action	Result
10/20/2017	1	Mayor's Office	Signed	
10/18/2017	1	City Council	Adopted	Pass

Approving adverse action against the Dance or Rental Halls license held by Eritrean Community Center of MN at 1935 University Avenue West.

WHEREAS, the Dance or Rental Halls license held by Eritrean Community Center of MN d/b/a Eritrean Community Center of MN (License ID #20070000874) for the premises located at 1935 University Avenue West in Saint Paul, was the subject of a Notice of Violation and Notice of Intent to Impose Additional License Conditions ("Notice") dated August 7, 2017, stating the licensee charged admission to after-hours fundraising events on July 3, 2017 and July 15, 2017 which included the sale and consumption of intoxicating beverages and dancing in violation of Saint Paul Legislative Code § 405.04(c) and Saint Paul Legislative Code § 405.04 (d); and

WHEREAS, per Saint Paul Legislative Code § 310.05(m) (2), the licensing office recommended a \$500.00 matrix penalty and the imposition of three (3) new license conditions; and

WHEREAS, the DSI was contacted by a representative of Eritrean regarding the Notice of Violation and Notice of Intent to Impose Additional License Conditions requesting an extension until September 1, 2017 in order to respond to the Notice; and

WHEREAS, the extension was granted and the representative was verbally notified that DSI also intended to add two (2) more license conditions in addition to the three (3) new conditions listed in the August 7, 2017 Notice; and

WHEREAS, the licensee or representative of Eritrean did not respond to DSI by the September 1, 2017 extension deadline and DSI staff have made several attempts to contact the licensee regarding the Notice but were unsuccessful; and

WHEREAS, on September 26, 2017, an Amended Notice of Violation and Intent to Impose Additional License Conditions was sent to the licensee recommending a \$500.00 matrix penalty and adding two (2) more conditions for a total of five (5) new license conditions; and

WHEREAS, the Amended Notice of Violation and Notice of Intent to Impose Additional License Conditions stated that if the licensee failed to pay the \$500.00 matrix penalty and return to DSI the signed revised license condition affidavit or request a public or administrative hearing by October 3, 2017, that the matter would be placed on the consent agenda to impose the recommended penalty; now, therefore, be it

RESOLVED, Eritrean Community Center of MN d/b/a Eritrean Community Center of MN is hereby ordered to pay a \$500.00 matrix penalty. Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

FURTHER RESOLVED, the following five (5) new conditions will be added to the license:

9. There shall be no possession or sale of intoxicating alcoholic beverages to anyone on the premises at any time unless a legally registered non-profit conducting a bona-fide fundraising event has first obtained a temporary liquor license authorizing such sales. The City will consider the collection of an entry fee or admission charge or donation collected when alcohol is being served or consumed on the premises to be a sale of alcohol and such sale will be deemed a violation of this condition.

10. There shall be no sale; service, consumption, and/or possession of intoxicating alcoholic beverages on the part of underage persons. The licensee shall be subject to adverse license action if a minor is served, sold, consumes or has in his/her possession any alcoholic beverage on the premises.

11. The rental and dance hall shall not operate between the hours of 12:00 (midnight) and 6:00 a.m. in compliance with Chapter 405 of the Legislative Code.

12. Eritrean Community Center staff will be on duty during all events.

13. Eritrean Community Center will update DSI in writing of all officer or management changes with their contact information.