



Legislation Details (With Text)

File #: RES 23-183 **Version:** 1

Type: Resolution **Status:** Passed

In control: City Council

Final action: 2/8/2023

Title: Considering and adopting the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Law Judge concerning the Liquor On-Sale 291 or more seats, Liquor On-Sale Sunday, Liquor On-Sale 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment (B) license held by Randall Johnson, RJMP Group Inc., d/b/a Billy's On Grand (License ID #20200000158), for the premises located at 857 Grand Avenue.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments: 1. Findings of Fact, Conclusions of Law, and Recommendation, 2. OAH 71-6020-38398 ITM Liquor on Sale at 857 Grand Avenue Official Record, 3. Proposed Exhibits 1-23, and 28, Exhibit List, and Witness List, 4. City's Closing Argument, 5. Hearing Audio 2 - oah_71-6020-38398, 6. Hearing Audio 1 - oah_71-6020-38398_20220815_081512__all-chs

Date	Ver.	Action By	Action	Result
2/10/2023	1	Mayor's Office	Signed	
2/8/2023	1	City Council	Adopted	Pass

Considering and adopting the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Law Judge concerning the Liquor On-Sale 291 or more seats, Liquor On-Sale Sunday, Liquor On-Sale 2AM Closing, Liquor Outdoor Service Area - Patio, and Entertainment (B) license held by Randall Johnson, RJMP Group Inc., d/b/a Billy's On Grand (License ID #20200000158), for the premises located at 857 Grand Avenue.

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 ("Licenses") held by RJMP Group Inc. d/b/a Billy's On Grand ("Billy's") under License ID #20200000158 for the premises located at 857 Grand Avenue in Saint Paul ("Licensed Premises") were the subject of a Notice of Violation ("Notice") and attachments (herein incorporated in the attached Official Record of ALJ Transcript, pages 457 - 557) on May 9, 2022, in which the Department of Safety and Inspections ("Department") asserted four violations that formed the basis for its request for Adverse Action and requested the imposition of the standard matrix penalty for a second violation of \$1,000; and

WHEREAS, the Notice stated that the request for adverse action resulted from an investigation conducted by DSI in response to several police calls involving Billy's or originating nearby its location; and

WHEREAS, the Notice referenced the following police calls:

- (1) an instance in which a person was driving while under the influence (DWI) on March 4, 2022;
- (2) a shooting that occurred on March 5, 2022;

(3) a police visit to Billy's regarding an assault on March 13, 2022; and (4) a call in response to a fight that occurred on March 18, 2022; and

WHEREAS, in connection with investigating these incidents, the Department recommended adverse action for the following violations of the St. Paul Legislative Code and of licensing conditions that they believed had occurred at Billy's:

- (1) Violation #1 - alcoholic beverages leaving the service area on March 5, 2022, in violation of Saint Paul Legislative Code ("SPLC") §409.08.08(15);
- (2) Violation #2 - failure to provide access to all cameras on the property and failure to have the means available to make a copy of the video on March 13, 2022 in violation of license condition #3 ;
- (3) Violation #3 - failure to maintain equipment on March 18, 2022 when channels 24 and 29 of the camera system were found to be off line and not recording after the Department requested video production in accordance with license condition #3;
- (4) Violation #4 - failure to manage the licensed premises in a manner that provides a safe environment for the patrons and the public; and

WHEREAS, per Saint Paul Legislative Code § 310.05 (m) (2), the NOV sent by the Department to the Licensee recommended the standard matrix penalty for a second violation within a year of a \$1,000 matrix penalty; and

WHEREAS, the Department determined that this was the Licensee's second violation within one year based on records which showed that the Licensee paid a \$500 matrix penalty on February 8, 2022 and agreed to the addition of license conditions on the Licenses as resolution of an adverse action that involved numerous violations; and

WHEREAS, the Notice of Violation laid out a number of options for the Licensee including disputing the facts and requesting a hearing before an Administrative Law Judge (ALJ); and

WHEREAS, the Licensee choose to contest the facts and requested a hearing before an ALJ; and

WHEREAS, that hearing was held on August 15 and 16, 2022 before Administrative Law Judge Jessica A. Palmer-Denig; and

WHEREAS, SPCL §310.05 (c) provides for participation by members of the public in a licensing matter; and

WHEREAS, in accordance with SPCL §310.05 (c), the ALJ permitted members of the public to offer comments

both in person and through written submissions which are included in the Official Record for OAH 71-6020-38398 (herein incorporated in the attached Official Record of ALJ Transcript, pages 358 - 435 and also summarized by Administrative Law Judge Jessica A. Palmer-Denig in the Findings of Fact, Conclusions of Law and Recommendation of the ALJ); and

WHEREAS, on December 21, 2022, Administrative Law Judge Palmer-Denig issued her Findings of Fact, Conclusions of Law and Recommendation (included in the attached Official Record of ALJ Transcript, pages 1-31); and

WHEREAS, at a public hearing on February 8, 2023, the City Council considered all the evidence contained in the record including Administrative Law Judge Jessica A. Palmer-Denig's Findings of Fact, Conclusions of Law and Recommendation and the oral arguments presented by Counsel before the City Council; now, therefore, be it

Resolved that the City Council has considered the ALJ's report and hereby adopts it as the Memorandum and Conclusion of the City Council in this matter; and be it

Further RESOLVED, that the City Council finds that the imposition of the standard matrix penalty of \$1,000 for this second offense 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 appropriate and directs that the penalty is imposed.