

LICENSE HEARING MINUTES
DWD Group LLC, dba Gather Eatery & Bar, 857 Grand Avenue
Thursday, June 1, 2023 at 2:00 PM
Room 330 City Hall, 15 Kellogg Boulevard West
Nhia Hearing Officer Vang, Legislative Hearing Officer

The hearing was called to order at 2:03 PM

Staff Present: Ross Haddow, Department of Safety and Inspections (DSI) Licensing Inspector; Dan Niziolek, DSI Deputy Director; Farhan Omar and Frances Birch, DSI Zoning Inspectors; Charles Graupman, Police Sergeant; Greg Weiner, Recording Secretary

Licensee: Wesley Spearman, Applicant/Owner; R. Lynn Pingol, Consultant; Darcy Golish, Owner

Others Present: (see attached sign-in sheet)

License Application: Liquor On Sale - 100 seats or less, Liquor On Sale – Sunday, and Gambling Location licenses

Legislative Hearing Officer Nhia Hearing Officer Vang made introductory comments about the hearing process: This is an informal legislative hearing for a license application. This license application required a Class N notification to inform neighbors and the District Council about the application and provide them with an opportunity to submit comments. During the notification period of May 4th to May 19th, the city received correspondence of concern/objection, including the district council, which triggered this hearing. Letter of support was also received. Also, outside of the notification and up to the hearing date, letters of concern/objection and support continued to be received.

The hearing will proceed as follows: DSI staff will explain their review of the application and state their recommendation. The applicant will be asked to discuss their business plan. Members of the community will be invited to testify as to whether they object to or support the license application. At the end of the hearing, the Legislative Hearing Officer will develop a recommendation for the City Council to consider. The recommendation will come before the City Council as a resolution on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

There are three possible results from this hearing: 1) a recommendation that the City Council issue this license without any conditions; 2) a recommendation that the City Council issue this license with agreed upon conditions; or 3) a recommendation that the City Council not issue this license but refer it to the city attorney's office to take an adverse action on the application, which could involve review by an administrative law judge.

Hearing Officer Vang stated at the beginning that she would not be making a recommendation at the conclusion of the hearing, as she would need time to process all the information discussed during the hearing.

Minutes:

Omar: This is a permitted use, per our zoning code. The business has been here for over 30 years and Zoning recommends approval.

Haddow: The licensee DWD Group LLC (License ID# 20230000453), d/b/a Gather Eatery & Bar, located at 857 Grand Avenue, has applied for Liquor On Sale - 291 or more seats, Liquor On Sale - Sunday, Liquor Outdoor Service Area (Patio), Entertainment (B), and Gambling Location licenses. DSI is recommending approval with the following license conditions:

1. Wait staff, security and/or managers will check government-issued photo identification to ensure that customers/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 297. Any addition of billiard tables or other table games will require license holder to notify the Department of Safety and Inspections for reassessment of the total occupancy limit.
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 videos. 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 staffing shall be sufficient to manage each entrance/exit of the licensed liquor service area(s) as well as conduct 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 and/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.
8. License holder understands that Saint Paul Legislative Code sets presumptive penalties for violations under which the City Council could consider adverse action and while these penalties are presumed to be appropriate, the City Council may deviate from the presumptive penalties when City Council finds and determines that there exist substantial and compelling reasons for upward departure. License holder acknowledges that past adverse actions under which the Licensee was managing the Licensed Premises may be considered as a basis for upward departure if new violations occur in the future.
9. License holder will ensure all amplified music and all other establishment generated sounds and/or noises are compliant with all pertinent Saint Paul Legislative Code and Minnesota Statutes.

The District Council 16 - Summit Hill Association submitted correspondence. Building is N/A; License is approved with conditions; and Zoning is approved.

Niziolek: The license currently belongs to RJMP Group under Randall Johnson. They have had the license since 2020. After a series of incidents in 2020, it was closed. It reopened in 2021 and there were 2 incidents that resulted in adverse licensing action. One was in November of 2021 and the other in May of 2022. The first resulted in a \$500 fine and the second one escalated in our penalty matrix to a \$1000 fine. During the hearing of the second adverse action, DSI sent out notice with the intent for adverse action and revocation, conditioned on the result of the second adverse action which was in process. Once we got the findings for the second adverse licensing action, this came back to us. We were at the point of issuing the notice of revocation, which is the first track. The second track is that in May of 2021, the applicant here did a management agreement with Randall Johnson to begin managing the business. Since then, he has been working towards applying for the license that is before you today. The 2 adverse actions were under this period of the management agreement, but they were under the previous licensee. The licensee is the one responsible for that and they are the one held accountable. When we got to the point of the second adverse licensing action being completed, we got ready for the notice of revocation. When we did that, we reviewed that management agreement between the applicant and Randall Johnson. In looking at ordinance, when we are at a point of notice of revocation, the only entity that can decide to accept the relinquishing of a license is the City Council. We saw that the management agreement was in fact, a relinquishment of the license by Randall Johnson once Mr. Spearman got his license or the hearing was held. We then went before the council and said, "We have both a relinquishment request and notice of revocation. How would you like us to proceed?" They directed us to proceed with taking the license through the application process. However, the resolution also stated that if the license is denied, to immediately take up the revocation part. That's where we are today. This license is going through the normal process, as directed by the Council, knowing that if this gets denied, there would just be a revocation notice going out to the current licensee Randall Johnson. This is because of our penalty matrix. First violation is \$500, second is \$1000, third is a \$2000 fine and suspension, and fourth is revocation. We stuck to the penalty matrix on violations 1 and 2. On the third we upwardly departed to revocation, which is pending. Before you today, though, is the license application for Mr. Spearman. The Department of Safety and Inspections is not recommending revocation. If license

is granted, revocation would go away because that was the previous licensee, Randall Johnson. As stated by Mr. Haddow though, Condition 8 says that past adverse actions under which the Licensee was managing the Licensed Premises may be considered as a basis for upward departure if new violations occur in the future.

Hearing Officer Vang asked Spearman to talk about the business: history, hours of operation, number of employees, etc.

Spearman: We did purchase the business in May of 2021. We plan to continue operating it as a restaurant and sports bar with a 1am/2am option. After re-evaluating and considering the community, we switched to a 1am closure and are not applying for the 2am license. We currently have it under the management agreement, but we no longer use it. We then underwent the process to rebrand and be more restaurant focused but keep the entertainment with the sports arena and the speakeasy in the back. We knew we had to expand beyond just one thing. There were some issues prior to my ownership in 2020, as noted earlier. All businesses have had issues. We believe in our two-year tenure that we have done well by taking the police calls down by 50% compared to the previous year. This was driven by communication with police and the community. We know we have hiccups. We are a new black-owned business on Grand Avenue. We worked with neighbors and tried to work together. To focus on the Gather portion of it, R. Lynn Pingol, Michael Dufresne, and Keith Baker, have all worked countless hours to make sure this plan works.

Hearing Officer Vang: Who are Lynn Pingol and Keith Baker?

Spearman: Pingol is a business consultant. Baker is an advisor who oversees the Rondo land project. To sum up, we want to be a part of the community. We want to operate in a safe manner. We are tenants at this address.

Hearing Officer Vang asked Sgt. Graupman to review his history with the address.

Graupman: I have been assigned to DSI for about 3 years. My duties typically consist of assisting inspections on liquor, gambling, tobacco sites in the city. Another one of my duties is monitoring police calls for service to those types of establishments that are licensed. We also get complaints from the community regarding unlicensed establishments, so it's also my job to investigate those. I also facilitate the camera inspection plan that I think was mentioned earlier as part of licensing conditions. When a business does have a license, they can have conditions that are attached to that license. My job is to investigate those complaints and determine whether violations within those conditions exist, and if so, report findings and fact.

Hearing Officer Vang (*referring to another testifier at the table with Spearman*): And who is that with you?

Spearman: To my right is Darcy Golish, one of my partners, and Lynn Pingol.

Hearing Officer Vang: The application notes you decided not to apply for the malt and wine licenses after first listing them. Why was that eliminated?

Spearman: That was based off recommendations from the city.

Hearing Officer Vang: The application also lists a different business name. What caused that change?

Spearman: We were in the process of coming up with the right name. Research showed Gather had better numbers.

Hearing Officer Vang: Do you agree to the conditions as stated?

Spearman: Yes

Hearing Officer Vang: Do you have any questions about them?

Spearman: No

Hearing Officer Vang: How have you changed things since taking ownership?

Spearman: We originally planned to keep the same business model, but now are switching to a more elevated restaurant focus. The main area and bar will be for the restaurant, one back area will have a speakeasy format, and another back area as a sports area.

Hearing Officer Vang and Spearman then discussed details of the site plan.

Spearman relayed details of the site plan as follows:

- The room to the left is considered the café.
- The room above that in the top left is the sports area.
- The patio is enclosed to the north by a garage door and the east and south by hedges and flowers. Patio seating is 60-75 people.
 - Patio opens are regular opening time and then closes no later than 11pm. This was initially in the purchase management agreement. The licensing now says the patio had to close at 11.
 - With the new branding, no smoking will be allowed prior to 9pm.
 - DSI stated that the hedges were too high and needed to be removed for better viewing. We did trim them, and they are currently 4-5 feet tall.
 - Patio is not fully enclosed. Entrances are on the sidewalk and parking lot.

Hearing Officer Vang: Will there be a dedicated staffer for patio?

Spearman: Not continuously, no.

Hearing Officer Vang asked about hours.

Spearman: We are open 7 days a week. We are currently allowed to be open from 11am to 2am. We do have a 2am license but don't use it and are no longer seeking it. We are seeking a license to stay open until 1am.

Hearing Officer Vang: Do we have a 1am license?

Niziolek: We have a couple of different licenses. We have a liquor on-sale restaurant license which closes at midnight and an on-sale license that closes at 1am. Mr. Spearman currently has the 1am license and the 2am license as an add-on but has been making the decision to close earlier. He is not seeking the 2am license in this application. The business has what's called a Grandfather Bar License, which means it has been around since before the liquor code was established, and so there is no food requirement based on the license. It covers both inside and the patio.

Hearing Officer Vang asked about staffing.

Spearman: Right now, we have 25-30 people that are part time. Some get close to full time. Security personnel are separate. I am the manager on site, and we plan to hire a new general manager for the rebrand.

Pingol: We are looking to hire a front and back house manager. The back house will be managed by the head chef, and then have a sous chef, line chefs, and runners. Front house will have a separate manager, who we just onboarded. With the rebrand, we will have possibly 16 full time servers, 3-4 bartenders, and then a blend of bartenders/servers as catch-all employees. Ideally there will be 40-45 staff. The relaunch timing is dependent on timing of the new license and funding source, August or September maybe. Remodel has not started because that is pending the results of this hearing. Plan to start remodel in July and be ready for a soft open in September. More of a facelift, nothing majorly structural. Food is still to be determined because we are looking for a head chef. We are thinking small plates and mixed cocktails. Hoping to capture brunch as well. There will be a happy hour and dinner menu, along with seasonal specials. There will be desserts as well.

Hearing Officer Vang: Do you have a copy of this business presentation?

Spearman: Not on me but I can send it via email.

Hearing Officer Vang: What have you learned from your recent experience?

Spearman: What we learned is that we cannot operate this the same way it had been operating. The late-night bar environment can pull negative people in from multiple spaces and create problems. What we haven't been able to figure out is how to work around that with the current model. We decided instead to change to a more elevated model.

Hearing Officer Vang: What were some of those problems?

Spearman: They're more neighborhood things and not necessarily directly related to my business. There are lots of rumors but if you ask police about what they have seen or heard said about Billy's, they say there is no connection to us. The neighborhood feels so opinionated about my venue that they take negative assumptions as fact. There is no proof for some of these incidents. To communicate with the community, I have met with the Western Police District and neighbors. I've been an open book by being transparent and we put a lot of time to being a deterrent to bad behavior. We have hired more security, put in more cameras, put in more lighting. I am a tenant, and while these things are typically the job of the property owner, we have done them to keep people safer.

Hearing Officer Vang: Were the cameras and lighting done at the suggestion of working with Sgt. Graupman?

Spearman: Graupman is ok with the current model, but neighbors have asked for more, so we have done more.

Pingol: The priority is safety. The community's concern is valid. We have taken an excessive amount of time and resources to address concerns of police and DSI. There are 35 cameras both indoor and outdoor. Vision for many of them is overlapping. There's a \$16,000 per month security tab that the business is shouldering. The business is doing more than what is being asked both in the box of the building and outside it. I'm not sure what can be done beyond that. The community has asked for more and he has done that. The security consultant's set of eyes, my set of eyes, DSI's set of eyes, and the police's set of eyes have determined that the area is well protected and safe. The video is high definition and has a recording time of 60 days.

Hearing Officer Vang: Who can access the recordings?

Spearman: Me and management on site can access cameras, but we leave a clear path on top of the machine. We don't hide that info. If DSI or SPPD want to view it, they can. We can provide copies on site.

Hearing Officer Vang asked about security staffing.

Spearman: We have 5-10 security staff. One person Monday – Wednesday, 10pm to closing around midnight. Thursdays are 2-3 staff. Friday and Saturday, prior to this last month, we have 6-8.

Pingol: We are also changing programming and shifting from DJs to live bands. With that switch alone, the need for security will not be as big but the presence will still be there.

Spearman: On Friday and Saturday now, we have switched to 3-4 security staff.

Hearing Officer Vang: Where would the band be located?

Pingol: In the indoor patio area near the fireplace area. Tucked in a corner and garage will be closed when they are playing. Area has 20-30 seats.

Spearman: We have not changed the space to be a live music venue. We just assumed we could have bands as the previous licensee had, and our license allows it.

Hearing Officer Vang: The license also allows for dancing. What is that space like?

Pingol: The space for dancing farther from the patio where there is a hardwood floor near the sports TV.

Spearman: Dancing is allowed within the space, even where the band would be, though we want to encourage the use of the back space. We are aware of the noise ordinance, and we don't want to be a nuisance. We have talked with Mr. Haddow about the details. This dancing would likely be from Thursday – Saturday.

Hearing Officer Vang asked about signage.

Spearman: Patio doors have sun dividers so people can see out but not in. Some things there about offerings but that's pretty much it. We also have a sign outside with a marquee. There are restrictions on liquor signs and sponsorships.

Pingol: The remodel will take all the signage out as we will no longer be operating as a sports bar.

Hearing Officer Vang: I encourage you to have someone assigned to the patio after the rebranding. Regarding the gambling location license, who will you work with?

Spearman: CLIMB Theater is our nonprofit partner. The license is just for pull tabs and e-pull tabs and will be located over by the main bar. They are in full view of employees. Access for both is run by CLIMB Theater. We also have a pull tab machine. We do not have access to the pull tabs, but we do have payout money behind the bar for the machine or the e-pull tabs on the bar top.

Hearing Officer Vang asked about alcohol training for staff.

Spearman: Everyone will have to do it with the rebrand. Every new employee needs it, both bartenders and servers.

Hearing Officer Vang asked how IDs are checked.

Spearman: We have an ID scanner, primarily used once security arrives at 10pm. We rely on bartenders/servers to request the ID before 10pm. After 10pm, we check all IDs entering the business. IDs are stored at least 30 days.

Hearing Officer Vang: Does that storage require an additional cost and have you been asked to provide the list of IDs?

Spearman: The whole system has a flat cost for that. We have never been asked to provide that list.

Hearing Officer Vang asked about cleanup.

Spearman: Cleanup takes an hour or 1.5 hours

Hearing Officer Vang: Does cleaning start before closing?

Spearman: If we are open until 1am, last call and last entry is at 12:30am. At 1am they are asked to leave, and we start cleaning at 1am. Security would maintain the parking lot space to make sure people leave. Parking lot should be cleared by 1:15am.

Niziolek: We do give allow time for people to be exiting the establishment. 1:15am is allowable.

Hearing Officer Vang: Is the parking lot yours only?

Spearman: It is a communal lot. There is signage stating what the lot is for. Security won't exactly know who our customers are in the lot.

Pingol: We will have a parking monitor in the evenings to keep an eye on things. Lot is open all hours and residents can park there too, so it will be tricky.

Niziolek: It is a challenge area. The property owner is the one with the control here. If this license is granted, DSI will sit down with the property owner and tenants to address issues and accountability. The owner will be chiefly responsible, and the tenants would shoulder some responsibility as well. **If you look at the conditions, the condition we're asking for is that Spearman have staff walk through to address that loitering and such, while knowing that other people are also using it. A lot of issues emanate from parking lots. One thing we want to address is alley access, which we see as problematic, and that needs to involve a conversation with the property owner.**

Pingol: We are taking on the responsibility for the late because of community concerns. We want to make sure that community concerns are addressed, even though the owner of the lot is chiefly responsible.

Niziolek: We would work on this holistically with the tenants and the property owner. I cannot say if this will result in a recommended modification of conditions.

Hearing Officer Vang asked about garbage and waste disposal.

Spearman: Our responsibility is our leased area. We send our staff outside to ensure the parking lot is clean. We want to reflect well on the business. We share the trash bin with other tenants. The mall owner handles trash and snow removal.

Hearing Officer Vang: Are there any concerns raised in the letters that you would like to address? Some comments suggested closing earlier than 1am. 1am is allowed for this business, but do you plan to close sooner?

Spearman: We want the same right as anyone else with a 1am liquor license. There is a financial responsibility we have to our lease, and we need to obtain all the revenue that we can in a responsible way, which is why we've chosen to rebrand. In St. Paul, other bars have had violence issues too. The expectation that we should be unable to operate because of issues in the neighborhood is unrealistic. I understand safety concerns. We are victims too. No one is looking at the \$40k lost in last month as neighbors have blamed violence on my business. We have a right to operate just like every other business.

Hearing Officer Vang: Some of the letters say you have shown a lack of responsibility to keep the neighborhood safe. Would you like to address that?

Spearman: I disagree. Police would say that I have been a part of the solution and not the problem, and there is no correlation to say that my business causes these issues. Neighbors don't want to hear that. I've work with Ramsey County as well. We are doing our best. I control a very small portion of what happens in the neighborhood and being blamed for all issues is not fair to the only black-owned business on Grand Avenue.

Hearing Officer Vang: Sgt. Graupman, are these shooting incidents unique to this part of St. Paul?

Graupman: In areas where there are a high residential population, you see more impact. Grand Avenue is a primarily business area, however, one block North one block south, we have residential neighborhoods. When gun violence occurs in that neighborhood, it does have an impact on that community. **That does make it unique. I can't speak to the trends and statistics, but violent crime is increasing in general. I can't speak to that block. The partnership between the police and the community is the most beneficial tool we have.** The public has been good about reporting behavior. I also want to let businesses know that calling the police is in no way held against a business. There was also a portable camera that was placed there at the request of police and the community. To my understanding it is temporary, though I don't know the duration.

Hearing Officer Vang: There are allegations about gang violence in the letters as well. Could you help explain the gang unit involvement?

Graupman: Our gang and gun units are combined. They investigate shots fired. Responding officers are tasked with looking for evidence to lead to a suspect. Just because a shots fire occurs that doesn't mean it is gang related. It could be, and the two units do communicate.

Spearman: The request for the camera was done a year ago. It was requested by us and neighbors. I don't know how long it will be there.

Hearing Officer Vang: Has that deterred incidents at all?

Spearman: We had already changed programming, which changed the clientele. The campaign from the neighborhood with leaflets asking people to not support us has also not been welcoming. We are not operating at a high level because of no neighborhood support.

Hearing Officer Vang: Is this business utilizing a greater percentage of police resources than other establishments in the area?

Graupman: This place did have a higher-than-average number of police calls, but that has declined recently. Many of the recent ones are proactive visits.

Hearing Officer Vang: Could you help me understand the codes in the incident report?

Graupman: RR is Report Received. A is Advised. U is Unfounded (lacking evidence). GOA is Gone on Arrival. PCN is Previous Case Number. My job is based primarily on complaints, just like DSI, we also get citizens that call the police with complaints. The ones that have an RR next to them are often the ones I am reviewing. Any incident that is generated under this address is assigned here, and one of my jobs is to figure out which ones are associated with this specific business, which is just one at this address. Not every incident on the report in front of you is tied to Billy's. For things like this, I will follow up with video requests to get the correct information.

Pingol: There is the issue of guilt by association. When people look at the long list of calls at the address that we are just a tenant of, people assume it is us. Until the system is better, I don't know how those changes. It's a tough call for businesses.

Hearing Officer Vang: Have any of these recent instances in the past year been referred to your office?

Niziolek: There is one pending. Other than that, there are no cases tied to Billy's that have drawn consideration of adverse action.

Graupman: The number of calls isn't as important to what I do as the type of call and the investigation into that call. If we are looking at multiple calls, we want to look at it to see if they are related.

Hearing Officer Vang: How does DSI handle complaints?

Haddow: DSI is complaint based, meaning that any time the complaint comes in about any address, they call our general line number, which is 651-266-8989. We have some wonderful people on the call center take your calls and sort them. If you have a complaint, they go into a general system. Depending on what code that complaint is given, it is automatically routed to the inspector in charge of that particular area. Anything that is a complaint of a business that has a license with us comes to the licensing division and we go through them and assign them to individual inspectors that handle it. Some handle auto shops, some handle liquor, and so on. In the event of a liquor complaint, it would come directly to myself. Usually what happens is that I follow up with the complaint. If there is a call back number or contact, I will contact whoever

has called and have a conversation with them to figure out what exactly is going on. Based on what they tell me, I could tell them that it's not an issue that the city would be involved in, or if it is something that the city would need to be involved in, then I take it a step farther from there. I would call the owner of the business and explain the complaint that I have and get their side of the story, to figure out what's going on. Is it a miscommunication? Is it something that needs to be investigated? We need camera footage depending on what the situation is. And then based on that that we would either close out the complaint or you could potentially be moved on for adverse action. What I'm really trying to get down to is that all complaints that come in that are associated with the business license get inspected by one of our inspectors. We do the follow-up. We verify if it's founded or unfounded. If it's founded, we take the next steps to bring the person into compliance depending on what it is. Complaints with the city do not go into a void. Liquor complaints come directly to me. I am the point person for liquor renewals and licensing. If you have an issue with any licensed business, please contact us and let us know so that we can inspect it. We don't know if something's going on unless there's someone tell us that something's going on.

Hearing Officer Vang: How long do you give businesses to correct the behavior?

Haddow: It depends. If it's tables and chairs that are blocking the sidewalk, I give them a couple of days to move it. Upon next inspection, if it's not done, then we would take the next steps. It really depends on what the case is. If it's more serious, a letter needs to be generated and sent out that would give them a specific timetable, depending on the seriousness of the violation, and then a reinspection would be done, and we would go from there.

Hearing Officer Vang: Because there are 2 previous incidents, if another violation comes in that leads to adverse action, will that lead to revocation?

Niziolek: It depends on the nature and severity of the complaint. There is no guarantee. Safety issues are more likely to lead to upward departure. Whether somebody has a 1st, 2nd, or 3rd strike in terms of past violations, it's really case-by-case whether to pursue adverse action.

Hearing Officer Vang: Do you have any questions for staff?

Spearman: No, but Darcy did want to speak.

Darcy Golish: My name is Darcy Golish. I'm one of the partners at DWD Group. I joined Wes and this partnership because I believe we could follow in Billy's footsteps of success. I partnered with Wes because I believe we could make it happen and have something special for Saint Paul and the Grand Avenue community. My life mission has been helping other people in my legal career, my business, and my personal life. My vision when purchasing Billy's was to implement that and give back to the community. Every business goes through a management and operational struggle during its first few years. We have not been any different. This experience of being an entrepreneur in this day and age is not what I envisioned for myself or my partners. It's hard enough to be a small business, but to have this trauma is beyond understanding. I was going to point out some of the difficulties of running this business, but then decided not to only because we are all living in the reality of this world post-pandemic as well as George Floyd,

specifically in the state. Saying it's a struggle and difficult is a severe understatement. Having to take on the battles of running a restaurant and bar is hard enough. But having to take on neighbors who has never wanted us there and being held responsible for things out of our control is simply overwhelming. This community touts supporting businesses, but only those they want to control and dictate and that is not free entrepreneurship. The smear campaign and fake news being distributed like the shootings coming from Billy's, that was not backed by the police, is unfair and a blatant plan to shut down the first black lead business on Grand. This rhetoric has caused a significant loss of revenue over the last few weeks, and the community continues to belittle and berate our business. As Americans, we want to live the dream, to run a business, and to be part of a community. To have a community dictate what we can and cannot, do to be told when you can make your revenue, and to be at a cross hairs for everything that happens in that area is unfair and unjust. We care about safety. We have addressed it, going to be on what is required by us. And still it is not enough because they want to shut us down and tell us how to run a business their way. We have all lived experiences but being a black-led business being ostracized is our lived experiences. We ask that our license be granted based on the application and that we as a company be permitted to make the decisions and be permitted a chance to rebrand and merge as Gather.

Before Hearing Officer Vang invited attendees who had pre-registered to testify, she read through the list of public commenters (See attachments, Exhibit X).

Hearing Officer Vang invited Angela Reasoner to testify.

Reasoner: I'm in opposition and would like the license revoked. On Sunday May 7th at 1:30 am, 8 gunshots were fired by someone outside of Billy's. One of the stray bullets hit my front porch window. Luckily no one was hurt, but this random violence made me feel violated and fearful. I was forced to see my safe space as a place to be feared. Unfortunately, I've observed that gun violence has increased on my block, and it has become commonplace to see police vehicles stationed outside of Billy's due to gunshots, noise violations and loitering patrons in the parking lot after business hours. To their credit, in 2022, I've seen Billy's management attempt to deter violence by increasing security presence and implementing earlier closing times within the last 6 months. However, these precautions have all but disappeared. Security presence in the parking lot is minimal and closing times are growing later. The bottom line here is that something needs to change. What has been done in the past is not working. I believe the solution is to revoke the liquor license. This restriction will minimize the risk of violent acts in our beloved neighborhood.

Hearing Officer Vang invited Eric Ruhland to testify.

Ruhland: I'm here in opposition to the liquor license as it stands. I think all of us here would love to see a vibrant Grand Avenue and see a business there that that thrives and is responsible. I lived a half-block from Billy's for 9 years. I own 2 businesses in Saint Paul and am aware of the struggles that go into a business due to the pandemic and keeping staff and everything. I'm here today because I want to talk a little bit about the difference between responsibility and fault. The business constantly claims all the time that they are not at fault for the things that are happening, and nobody is blaming them. But there's responsibility for kicking inebriated people into the

street that are that are potentially carrying weapons. We've seen gun violence increased on our block and in the area. I can no longer allow my 9-year-old son to walk 2 blocks to his best friend's house. A bullet penetrated the window of our house about a half block from Billy's on April 7th. I walked into the business the next day and asked Darcy what happened. 40 gunshots were fired a half block from the business. All 3 blocks were blocked off. Nobody had any idea that that happened. What we're talking about is responsible business owners. They looked at me and said, well, we don't know what happened. They were the only business open. I cannot understand how a responsible business owner can look somebody in the eye and say that we didn't know that was happening during our business hours. I think Wes is a great person, that they're great individuals, but I'm talking about running a responsible business that intoxicates people and puts them out into a residential neighborhood. This is a very dangerous situation. People are desperate and we're asking someone from the from the city to do something. Help us with that.

Hearing Officer Vang invited Thomas McLeod to testify.

McLeod: I'm upset, so I'm trying to refrain from emotional dictation of what I think. I suspect hired guns who've run businesses probably aren't on the cap table, probably don't live on the same block, and haven't been directly affected, and who are being paid fiercely represent them. That makes sense, some of the comments that I've been hearing today. A lot of the positioning I would do as a very successful entrepreneur myself. I've never met you. You seemed like a nice enough guy. I've done quite well, myself. What bothers me are 2 things. One is the excuses, especially from individuals who aren't involved, don't live on the block, or aren't on the cap table. They're just paid guns. Blaming the cops when the cops have the doors locked on them when an altercation happens in Billy's. The next thing I think bothers me as a direct neighbor, are the excuses and blaming the cops. The time of day that these things happen Café Latte is not open. Their patrons weren't using the parking lot at 1:30 and 3 in the morning. This is not a black and white issue. This is people shooting guns around our house and that's gone up significantly after living there for 54 years. Now, if you live on that block, you might know that. Perhaps you don't. It's not a race thing, people are shooting guns that are houses, my friend. We're scared so my son runs up the stairs and says, "I want to go. I want to leave. I'm terrified." My daughter ran into our room after those 43 shots. I watch these cars fly a lot of the parking lot at night and tear down the alley. So, we're leaving after 54 years in St. Paul. A question was made: "What else could we do?" Well, nothing. You can't do anything. There's one thing that can be done, to revoke the license.

Hearing Officer Vang invited Aaron Horowitz to testify.

Horowitz was not in attendance.

Hearing Officer Vang next invited Brendon Cullinan to testify.

Cullinan was not in attendance.

Hearing Officer Vang then invited Marti Estey to testify.

Estey was not in attendance.

Hearing Officer Vang invited Robert Karls to testify.

Karls: I think an objective look at the facts that Sgt. Graupman provided is a logical place to start my discussion. And he recovered some of my points and appreciate the good work that he's done. His earlier report was done for a time of January 2021 – January 2022. During that time, he identified 20 quality of life calls related to this address. We don't have that summarization for this most recent report, but using the issues of assault disturbance, disorderly conduct, weapons violations or with weapons discharging, I have at least 28 of them during the most recent period. They're almost all after 11 o'clock at night. The weapons violation that we've heard about was at 1:30 in the morning we've heard. So those are facts that I would like you take into consideration as you look at this issue. The second thing that we've heard from the operators of Billy's is that they've tried to tone it down, volunteering to close at 1:00AM, they're doing everything that they can. During a Western District Precinct meeting in July of 2022, they were asked to close earlier. They heard directly that closing before midnight stops the violent acts at bars in their experience. They said that if you close at midnight, these issues go away. They have not done that. In addition, they have had activities like the following just before the most recent shooting. Here's an advertisement off the internet for Rewind Saturdays, Sunday May 14th. This one is after the incident, going from 9:00AM to 02:00AM. Compare the words and the actions.

Hearing Officer Vang invited Kurt Engelmeier to testify.

Engelmeier: I'm here to speak in opposition to this. First, hearing things like assault firearms discharge, murder, in the last 2 to 3 years at that address are not pickups. They are also not incidents that a paid consultant minimizes. They are violent crimes. They're taking place in this neighborhood within close proximity. That either shows a lack of understanding or lack of caring in public safety by the current owners of this establishment. The second came up time and again saying there is no correlation between the violence and Billy's. Let's look at Salute. Let's look at Green Mill. Let's look at Red Rabbit. To say that there is not more crime associated with Billy's and in the immediate area is laughable. There is a lack of accountability and a lack of responsibility. These are actions that speak much louder than words. Thirdly, disallowing police officers from entry to the establishment is almost unconscionable when crimes are being committed from this address. I believe it was the reason for the upward departure of the current revocation process. I this is again shows a complete lack of accountability. It hasn't happened 3 years ago. These are all within the time frame that the current owners have operated this establishment.

Pingol: I just want to state for the record that I am a volunteer and not paid.

Hearing Officer Vang invited Mark Larkins to testify.

M. Larkins: I'm not going to go through all my points from the letter that I sent, but I do want to talk about the camera thing. That camera placed by the police wasn't just for kicks. So, something's wrong with the way the cameras are placed inside Billy's. There must be some responsibility for observing what goes on outside. He's got to come up with a solution to really

see what's going on there because it protects him. I'm not here to judge him and am probably more neutral. I favor the midnight closure. But I think that this imaging is the key to this and it's going to protect people. And I am sure that placing the camera on Grand has already made a difference. We may not ever be able to measure that, but living there, you can sort of see that it's a little bit better. The last episode which occurred, I think could be solved with better imaging and it may be up to the city to put that stuff in. I don't think he's responsible for putting cameras all over that block, but I think that and maybe even having an expert consultant involved would help, so that there's not this redundancy within his establishment with these overlapping fields. I'm not going to go on with all my other things in that letter that's fairly detailed.

Hearing Officer Vang invited James Slegers to testify.

Slegers was not in attendance.

Hearing Officer Vang next invited Kathy Larkins to testify.

Larkins: My husband has an office on Grand Avenue which is a half block from Billy's. I attended the Zoning and Land Use hearing regarding Billy's on May 16th. During the meeting I became convinced that either Billy's must not be granted a liquor license at all or not be allowed to be open past 11:00 pm. No compromises. I was disturbed that the applicant and his associates did not appear in earnest to truly make the changes necessary with the re-branding concept to make this a more family-oriented place. I never heard a specific answer as to what a speakeasy means or what it meant by invitation-only. They presented these terms as part of the re-branding. Keith Baker insisted that they must stay open until at least 1:00am to make a profit. Those 2 things don't sound family oriented to me or like a re-branding. This doesn't sound much different than how Billy's has been for the past 2 years. Lynn Pingol appeared dismissive of neighbors' concerns for their safety and blamed police for the gunplay near Billy's. It seemed like she was trying to rally the neighbors to get angry with the police for not doing their job. There have been 204 letters from neighbors, people who all live near Billy's, a majority of whom want the liquor license revoked. A few said no later than 11:00pm. Only one letter of support for Billy's to continue with a 1am license. There have been 3 homes of neighbors who live on the block of Billy's, one during the last month, who had bullets fly through their windows after 11:30pm, during the past year. People do not want to live in a neighborhood with bullets flying through their homes. Revoke the liquor license or make it an 11:00pm closing time and make sure security cameras are strategically placed outside by an independent security firm and keep the camera currently placed across the street. Everyone deserves to be safe.

Hearing Officer Vang invited Susan Schuster to testify.

Schuster: I live on the 800 block of Portland Avenue. I want to say this has been portrayed at times as a race issue. This is just a safety issue. So many of us in the neighborhood go out of our way to support black owned businesses. I don't know if you remember me from 2021, but I purposely scheduled my son's 21st birthday luncheon at Billy's because I wanted to support you. I wanted you to be successful. It is better for the neighborhood if you are successful. We have tried to be there, but it's gotten so bad that we're afraid to go there. My 60-year-old neighbor in December of 2022, brought his family holiday dinner to be Billy's and was frisked going in. He

is the gentlest person, so if you are frisking him, you're frisking everyone. It's a great wait to try to help things be safe, but it totally freaks us out. Frisking is now the norm. When you say you're the black business and Grand Avenue, you've got extra attention because of that. We wanted to support you. We want to see this this happen, but I wonder why in May of 2022 police were not allowed in and why some of the camera footage was not given. It just seems so convenient that we can deny this application under this new thing. Why wasn't this happening a year ago? Why didn't it happen in May of 2022. We would have been right there with you.

Hearing Officer Vang invited Patrick Connoly to testify.

Connoly: I oppose this liquor application. I live just a few blocks from Grand and Victoria on Osceola. I'm here to raise concerns over public safety as some people have already done. The reality is that while DWD Group was operating under the RJMP license and applying for a new license, the crime that was coming over the past couple years will not erase the memories from the neighborhood. It doesn't matter what the name is on the outside or who had the license. The severity of this crime is real. I would just like to remind this body the last year in March of 2022, a shooting occurred outside Billy's hitting, a victim in the chest. Shortly after the incident, the newly reappointed U.S. attorney Andy Luger announced federal charges in his first press conference being reappointed, and those charges were about the shooting, and he specifically mentioned Billy's. That investigation was in coordination with the ATF and the Saint Paul Police Department. This investigation with the federal government illustrates the intensity of the violent crimes being committed outside this business. And then just this past month, as everyone has mentioned, the shooting occurred, and bullets went through the window of Billy's. Shortly thereafter there was the camera from the police department right. I'm concerned for the safety of our neighborhood and fear that innocent people will get hurt or killed. Regardless of the neighbor license holder of the business, this application hasn't proved but they have addressed the crime being conducted around their business. Please deny this application. If the application is unfortunately approved, please add significant conditions, such an 11:00PM closing and as you put upward departure.

Hearing Officer Vang invited Monica Haas to testify.

Haas: I'm the executive director of the Summit Hill Association. I'm here representing our board of directors, who held a series of meetings and then eventually came up to a letter. It's not support for the license as being applied for. We would like to see a new midnight closing time, which is not negotiable. We would also like to see them strengthen the proposed conditions with improved camera and safety coverage. Lastly, we require an upward departure to further license violations for a period of 2 years. We've heard from many neighbors, believe that no one should have to live in a community that's run by gun violence. We do believe that Spearman's new concept and an earlier closing time will help.

Hearing Officer Vang: So, you are opposing unless those conditions are agreed to?

Haas: Correct.

Hearing Officer Vang invited Mya Honeywell to testify.

Honeywell: I have run my career out of the CB Office on Grand Avenue exclusively since 2004. That property is located 4 houses down from Billy's, so I've watched what has happened over the last several years. I have also owned properties and owner-occupied properties within 3 blocks of Billy's for the last 23 years of my life. Some people will say privileged, that seems to be a common theme here. We're talking about privilege. We're talking about race. I do feel privileged but I'm also a welfare kid. I split shared custody with my parents. When I was in my mom, I was often living out of a vehicle or couch surfing. I have privilege now, but I worked for every bit of it. As a realtor, I don't have a 401K. I put every single ounce of money back into my properties. That's my retirement. That's my everything. I'll also mentor are 6 young realtors in this business, 2 of which are young black men because it is not lost on me that there's a huge gap in our cities. I'm working to fix it. Now. I also help people get into safe housing. I really preach what I believe in. Of those 2 young black men that I mentor, one lives in my house. 2 years ago, he had large caliber gun fire behind his head, 20 feet from where he sleeps. He would be here today, but he's mentoring young people in high school. This Easter weekend, my primary bedroom window primary bedroom window was exploded by gunfire while my husband was changing clothes and coming to bed, so that's real personal for me. Now we live a block from Billy's. We share an alley with Billy's. I businesses 4 houses from them. We feel unsafe. We feel unrepresented. When the district council said they had some people talking to him, that was 268 letters. These are your neighbors. These are your friends. These are people that want successful businesses. I do not want to see revocation. I want an 11:00pm closing. Our windows were shot at 11:30pm.

Hearing Officer Vang invited Barry Foy to testify.

Foy: I live one block from Billy's. Today marks 10 years since my wife and I moved to Summit Hill, for it's quiet and its friendliness among other things. Also, because there was nothing there that resembled a nightclub. We've always tried to let the people around us know that they can consider us good neighbors. Our friends who have lived there 3 times as long have the same attitude. It's completely ridiculous to imagine that any of them would have guests who would shoot up their neighbor's windows or that they would waste taxpayers' money repeatedly summoning the police to deal with criminals they invited into their homes. And yet that's just the kind of customers Billy's seems to attract. If you doubt it, name one other establishment on Grand Avenue like that. Does that sound like a sports bar to you? Residents have to keep appearing at hearings like this and submitting statements. Why are we reduced to begging the city to take meaningful action over a business that has repeatedly created menacing, disturbing and outright dangerous conditions right on our doorstep. We apparently them every benefit of the doubt. They owe us nothing at all. Where is the fairness in that? The main things we've heard have been some unsubtle hints that only a racist would mind bullets coming through his kitchen window. But it's time to explain one simple thing. Why is it okay to put me in my neighbors at risk of being killed or injured strictly for the sake of increasing their profit margins. Is that what they call a business model? Is that what the city considers a legitimate business model? I assume the Billy's folks have made a substantial investment in their business. But is it any more substantial than my investment in my house? Why does their investment seem to count for so much while mine counts for so little?

After all the attendees who pre-registered to speak, Hearing Officer Vang then gave the applicant the opportunity to respond.

Mr. Spearman: First, I want to thank you all for your time and consideration of this license application. I want to start with some background here over re-branding and close with our requests. I always dreamed owning my own bar and restaurant and when the opportunity presented itself, I took it and formed a partnership with Darcy. I know that at its height it was a sports bar. When I purchase that I knew I wanted to bring it back. Post pandemic, the first year was challenging. We had some miscues and realized how badly positioned Billy's was under Randall Johnson's leadership. We hear problems we didn't know existed and we have spent years trying to fix it. Yes, we have miscues, and we work through each one of those as they come. We are finally breaking through only to be faced with adversity. Do I wish I had more awareness of the issues? Yes. I wish I had tapped into more city resources that would have given me more information. But I didn't know what I didn't know. I have not realized that Billy's business model isn't working post-pandemic. Through the time, comments, and articles that have been running amok, putting the blame on Billy's for shootings to a lack of cooperation in efforts to work with the community. In fact, the police have not connected to any of this to us. How is it fair and just to hold DWD Group responsible for the safety of the community? What I'm most appalled with is that the patrons are referenced to as "those people" and "those people with weave syringes and half naked walking up and down the street" quoted inside of a Summit Hill Association meeting, and also apologies by the president of the Summit Hill Association the following day. The rebrand is needed and we're excited to create a space where families and friends can come together without judgment. We're remodeling, revamping our menu, we're increasing staff, putting safety protocols in place as suggested by DSI, and investing more of our own wallet. We're a 2-year-old business and we have our struggles. Just like everyone else, we need support and look to have support from the community. Instead, we're insulted and vilified in public forums. It's hard to be a small business but to be a black-led business on Grand Avenue is even harder. I seek to be a leader and inspire future black entrepreneurs. The story I want to tell is one of success, and not of one that as a black business I must be told how to run and operate my business by the community. I asked the council to approve or liquor license with a 1:00am close based on the security plan in the rebrand strategy we represent with our application.

Hearing Officer Vang asked Spearman about frisking as was previously mentioned.

Mr. Spearman: It was about deterring gun violence. Since the latest issue that happened in which SPPD did not find us responsible, we no longer do that. We use other ways to determine safety, and we have refused service to people.

Hearing Officer Vang: Mr. Graupman, does Police have a position on using an outside security consultant for cameras?

Graupman: During my time at DSI, the Police liaison was always the person that does the camera assessment out at the site. One thing which I don't think was covered in today's discussion is that because of the structure where Billy's is, the cameras are unique. The exterior of the business is not necessarily their business, because it's in a mall of the building. There's a variety of entrances and exits. The cameras that are placed currently in the business do cover the

ingress and egress to the business itself. But where the Police camera was located was in an area where Billy's was not required because that area is not technically part of their license or their space. In other areas where we have a new single structure, DSI has the authority to direct businesses to put more cameras in areas that would cover the exterior of the building because that space is controlled by that business with that license.

Hearing Officer Vang: What is the status of the current investigation?

Niziolek: Police is reviewing it now, and they will share it with DSI if needed.

Hearing Officer Vang: Are there any similar businesses near this address, and do they have similar closing hours or are they different?

Haddow: I can't speak to specific businesses' hours. As of right now, the businesses that are in the vicinity of them all have the option to be open to at least 1:00AM. Their liquor license covers them from 8:00am to 1:00am, 7 days a week. I can't speak to if they are operating at that level. We don't typically get into day-to-day operation of opening and closing.

Niziolek: What we have seen recently is that businesses open past midnight have seen worse and worse crowds and many businesses have decided to close before midnight. The ones staying open thus have to do more work to keep people safe, as there are fewer options for people who exhibit bad behavior.

Hearing Officer Vang: I would appreciate some follow-up on that.

Niziolek: That could be hard to provide but a summary may be possible.

Hearing Officer Vang: Would DSI ever not recommend approval?

Niziolek: We do these case by case. We're looking at what the person is presenting as a business model and the issues they bring. You look at the history of an individual and what they bring to the table. If they've managed somewhere else, we're going to look. We do a criminal background check as well.

Hearing Officer Vang then gave other attendees who did not pre-register a chance to testify, beginning with Jerry Thomas.

Thomas: I'm a lifelong resident of Saint Paul. I'm a licensed electrician. I frequently go to Billy's, which is changing to Gather. I go at different times, and we have had many different celebrations and parties. I've been going for years. I can sit here and say I've never seen an altercation there. I've never been involved in an altercation there. I've never been afraid to go there. My kids have never been afraid to go there. I think it's really a travesty that I had to interrupt a proceeding to be able to speak because no one who looks like me was up here to speak on behalf of the license being approved.

Hearing Officer Vang: I apologize for that confusion because we asked people wanting to testify to pre-register ahead of time. The outside sign-in sheet was to track the number of attendees.

Thomas: I just want to go on the record saying that Billy's is a family friendly place. There's been plenty of kids' birthday parties here. There's been retirement parties. There have been diverse clientele coming here. Not everyone having these parties looked like me, but a lot of people that did look like me were. I have never seen one altercation there. I know you guys are talking about how bullets have been flying through the windows and everything else. I can understand it, but that don't mean they came from Billy's. I've heard a lot of gunshots in front of my house, and I live on Dayton Avenue. That happens all throughout the city, so you can't just blame Billy's.

Hearing Officer Vang invited Erica Dennis to testify.

Dennis: I want to say that I did sign up outside and then I was told that if you wanted to talk that you would have to sign in. I was expecting that I would have an opportunity to speak. Can I ask staff to clarify that for me?

Weiner: I would just like to clarify the sign up outside was not to sign up to speak. It was to sign up for people who attended. The sign-up to testify was offered online. On May 23rd, the e-mail was sent out including anyone who had sent a letter to us, anyone who subscribes to early notification system, and we also sent it to the applicant in case you wanted to circulate it. This included the information for signing up in advance to testify. That was done because of the high interest in this business.

Dennis: I'm a 26-year resident and owner of a house in the Summit University area. I went to Billy's prior to this gentleman owning Billy's for several years. My niece and my nephew both worked for that organization prior to this gentleman as well. There was a lot of ruckuses at that time. I'm surprised that this is the time that there are a lot of issues, and the community is an uproar. I am a business owner. I won the entrepreneur of the neighborhood award. I have won the Business Journal Award for the work that I have done. I am an author. I wrote a children's book about the Rondo Community. I am an educator and I have been in the Saint Paul Public Schools for several years. One thing I like to say about pre-registration is that it's slanted to the to put the benefit on those who use e-mail constantly and know about what's happening. I did not find out about this until I saw the next-door app and heard all the things that people were saying. I had no idea Billy's was going to close, that people wanted to take their license. I was hearing people say things that was clearly race incented. I got into the conversation and said, "Wait a minute." What about the Truck Park? If you want license taken, what about the Truck Park? What about the Mall of America? What about the schools that have had shootings? I'm an educator. I'm in there. We're not closing. The schools' licenses were not taken, neither were the Truck Park's, and neither were the Mall of America's. When I spoke of this, I'm hearing people saying stuff like, "We want them out of here. We want that clientele out." I said, "I'm a client." I have gone to Billy's numerous times with my family. Never have I felt unsafe, but I did see that there were not as many people there now that it has a black owner, and I was determined to support him.

Hearing Officer Vang invited Julia Livingstone to testify.

Julie Livingstone: I live on Lincoln Avenue, almost directly behind Billy's. One thing I would say is that if I ever wanted to open a bar in the city, I know a whole lot more than I ever wanted to know. Thank you for sharing all your information. I've lived here just 3 years. I have a 7-year-old daughter. My husband is the CEO of a Minnesota-based company. We have roots here now, even after a short period of 5 years in Minnesota. A year ago, I approached the former general manager and Wes, and was the reason that we were able to meet together at the Western District. I do have some skin in the game. I've heard everything that everyone has said. I'm regretting that a large group of people who are in opposition had left. There has been discussion of racism. I think that the issue of racism is not for any white person speak to. I think that the lived experience comes from the folks who are experiencing it, just as I've experienced gunshots in my neighborhood. I'm also terrified. If I could move again, I would. I'm also acknowledging that there's a larger issue of violence in the city. In terms of problem solving, I don't believe that shutting down or denying this license is going to fix that. I would invite anybody who is still here and would like to contact me directly to feel free to do so. I'm very happy to begin working with the police department as I have in my past career, and as I've begun to do here in Saint Paul, to gather as a community instead of operating out of fear and educate ourselves so that we know what the process is. I didn't know. I had to pre-register and I'm one of the part-time staff people at the Summit Hill Association. I would also recommend approval of it on the condition of a 12:00am close, because of the current state of fear, not because of operational prowess. I believe that it will be a success as long as we're in it together.

Hearing Officer Vang invited Montana Lusinger to testify.

Montana Lusinger: I live on Grand Avenue. My apartment and my windows look directly into the parking lot that are shared with Billy's and the additional businesses. I have only lived here since September. I've lived in multiple cities around the U.S. I come from a black family and it's hard for me to sit here and listen to it being a race issue. My family is black. They have black businesses. They are black entrepreneurs and I have supported them because they're my family. I am subjected to racial slurs. I know it's hard. It's not easy to be a black owned business and I do everything I can to support black owned businesses. However, I don't view this as a race issue. It is a safety issue. I have been so scared to be hit by drunk drivers pulling out of the parking lot, who have hit pylons and are coming out of the bar wasted. I walk my dog at night. Sometimes I work late. I don't feel safe to do that. I don't feel safe, and I get accosted by people urinating at my front doorstep who might directly be coming from the bar. I'm not saying it's your fault. I am saying that it is not a safe environment. If it needs to close early to be a successful business, then close early. I have worked in the restaurant industry for 20 years. I have managed bars. I have done private events. I have never run into these issues before. If there are issues like that, we want to fix them. What you're doing right now is just not working. If we need to change something, something should change. And I realize that liquor is the prime component of how you make your money because that's the biggest markup. It's just not working. It's scary. Semiautomatic weapons. It's scary. I don't want to have to live through this and not everybody is capable or can afford to move.

Hearing Officer Vang closed the public hearing and stated that after reviewing the records and testimonies from all parties, she will need time to consider those testimonies, and assess and consider the requested additional information from DSI and SPPD before making a recommendation.

The hearing adjourned at 4:53 PM.

After reviewing the records and additional information, and after considering the testimonies from all parties, Hearing Officer Vang will recommend to the City Council that they approve the license with the following agreed-upon conditions:

1. Wait staff, security and/or managers will check government-issued photo identification to ensure that customers/patrons under the age of 21 will not be served or consume alcohol. Licensee will also use an identification card scanner system to record and retain for a minimum of thirty (30) days the identification of all patrons who enter or re-enter the licensed establishment after 10:00 p.m. until closing during any day of operation. If an incident is deemed serious by SPPD, licensee shall make identification card scanner information immediately available for viewing by SPPD. In all other cases, licensee shall provide recorded card scanner information to the authorized requester within 48 hours.
2. Per Fire Inspection Certificate of Occupancy requirements, total occupancy limit is 297. Any addition of billiard tables or other table games will require licensee to notify the Department of Safety and Inspections for reassessment of the total occupancy limit.
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 videos. 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. Licensee shall retain clearly identifiable and appropriately trained security personnel. Clearly identifiable security personnel shall mean a uniform or marked outerwear. Security personnel staffing shall be sufficient to manage each entrance/exit of the licensed liquor service area(s) as well as conduct 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 and/or staff will conduct outside sweeps of the building, including the patio 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. Licensee 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.
8. Licensee understands that Saint Paul Legislative Code sets presumptive penalties for violations under which the City Council could consider adverse action and while these penalties are presumed to be appropriate, the City Council may deviate from the presumptive penalties when City Council finds and determines that there exist substantial and compelling reasons for upward departure. Licensee acknowledges that past adverse actions under which the Licensee was managing the Licensed Premises may be considered as a basis for upward departure if new violations occur in the future.
9. Licensee will ensure all amplified music and all other establishment generated sounds and/or noises are compliant with all pertinent Saint Paul Legislative Code and Minnesota Statutes.
10. Licensee will create and implement an egress and ingress plan for the licensed premise that will 1) ensure individuals and/or groups entering and exiting the premise will be observed by staff and 2) eliminate the gathering of patrons in exterior spaces not readily observable or controllable by staff and/or the licensee. Specifically, the licensee will a) make the front door (facing Grand Avenue) the main entrance of the licensed premises, b) make the back door (into the mall) to be as limited access as is reasonably possible, c) improve observability and eliminate unobservable areas in the patio area as is reasonably possible (minimally moving the sidewalk entrance to the patio to a location which is clearly observable from the interior active areas of the licensed premises, and d) prevent vehicular alley access as is reasonably possible. Reasonably possible shall encompass and not be limited to actions and changes the property owner will or will not allow. Within 6 months of license issuance, the licensee will submit the plan to the SPPD liaison with DSI for review and approval. Implementation of the plan shall occur within 9 months of license issuance. In accordance with this condition, licensee will obtain approval from SPPD for any substantive changes to the approved plan.

The conditions affidavit was signed and submitted on December 11, 2023.