

CITY OF ST. PAUL  
IN THE CITY COUNCIL

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**In re RAS Ethiopian Bar & Restaurant LLC,  
d.b.a RAS Restaurant and Lounge**

**City Council File No. RES 22-882  
License No. 2010000006**

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PETITION FOR RECONSIDERATION OR A STAY OF PROCEEDINGS

TO: The City Council of the City of St. Paul:

RAS Ethiopian Bar & Restaurant LLC, d.b.a RAS Restaurant and Lounge, (“RAS”) by and through its attorneys McClay • Alton, P.L.L.P. and Robert M. McClay, respectfully petitions the City Council of the City of St. Paul for its Order:

1. Reconsidering the 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 Petitioner by Resolution dated June 15, 2022;
2. In the alternative, staying the adverse action pending Petitioner’s appeal of this matter to the Minnesota Court of Appeals, subject to the posting of a supersedeas bond or other conditions as may be ordered by this Council.

Petitioner makes its request based on the following:

1. The Notice of the City Council’s proposal to take adverse action (“Notice”) was sent to an old residential address for the owner of RAS Ethiopian Bar & Restaurant LLC. Consequently, the owner did not receive this notice. Additionally, while RAS does not dispute that the Notice was properly sent to the license address it was not received by RAS at any time prior to May 20, 2022. Declarations supporting these assertions will be filed prior to the requested hearing date of July 27, 2022.
2. Because RAS did not receive notice, the owner was not able to reply stating RAS’s objections to the adverse action before the May 20, 2022, deadline for doing so.
3. The failure to state objections resulted in the revocation matter being placed on the City Council’s Consent Agenda.
4. RAS disputes the facts underlying the alleged violation, but because the matter was on the Consent Agenda, there was no opportunity to present evidence or argument

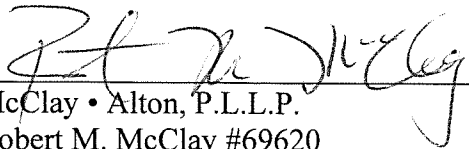
in opposition to the revocation.

5. Revocation of the license was an upward departure from the penalties normally ordered in these circumstances
6. The extraordinary harshness of the upward departure and the license revocation requires the owner be given a chance to respond and present evidence of mitigating circumstances.
7. As required by City Code, a license holder shall be given notice and an opportunity to be heard. Due process, in addition to the ordinance, requires reasonable notice and a hearing prior to revocation of a business license.
8. When determining whether to grant a stay pending appeal, the City Council must balance the appealing party's interest in preserving the status quo, against the interests of the public or the prevailing party in enforcing the decision. *DRJ, Inc. v. City of St. Paul*, 741 N.W.2d 141, 144 (Minn. Ct. App. 2007).
9. Failure to stay the revocation of the license will result in serious economic hardship to the owners of RAS Ethiopian, and also to their employees who will be forced out of work because of the revocation.
10. In addition to the economic interests at stake, the Ethiopian community in St. Paul will be affected adversely. RAS Ethiopian is a popular resource for the community. The restaurant is a well-known gathering place and has functioned as a *de facto* community center for the Ethiopian community. Revoking the license of RAS Ethiopian and forcing its closure will be a serious blow to an immigrant community that is seeking to be established here.

WHEREFORE, Petitioner respectfully requests that:

- A. This matter be placed on the Agenda of the City Council for its meeting on July 27, 2022;
- B. The City Council reconsider its revocation of the license of RAS Ethiopian;
- C. In the alternative, the City Council stay the revocation of the license, subject to such terms and conditions as it may set.

Dated: July 15, 2022.

  
McClay • Alton, P.L.L.P.  
Robert M. McClay #69620

951 Grand Avenue  
St. Paul, Minnesota 55105  
bob@mcclay-alton.com  
651-290-0301

ATTORNEY FOR PETITIONER