

**LICENSE HEARING MINUTES**  
**Marshall Stop, 2057 Marshall Avenue**  
**Monday, November 8, 2010, 2:00 p.m.**  
**330 City Hall, 15 Kellogg Boulevard West**  
**Nhia Vang, Deputy Legislative Hearing Officer**

The hearing was called to order at 2:05 p.m.

Staff Present: Jeff Fischbach, Department of Safety and Inspections (DSI)

Applicant: James Hawila, New James Inc., owner

Marshall Stop: Request from licensee to modify existing license conditions for an establishment having a Gas Station, Retail Food (C), - Grocery 1001-3000 sq. ft., Malt Off Sale and Cigarette/Tobacco licenses

Mr. Fischbach explained that Mr. Hawilla had requested a modification of condition #6 to his license which had been approved by the City Council on February 24, 2010. Since this was a request for a modification of the existing license, the neighborhood had not been notified due to this being a special circumstance. Condition #6 states as follows:

6. The licensee shall provide and maintain working video surveillance cameras and recorders on the premises in accordance with the Saint Paul Police Department (SPPD) recommendations. There shall be a minimum of seven (7) cameras on the inside of the establishment and three (3) on the outside, with adequate lighting to support the camera placement. Lighting, camera placement, and recording quality must be approved by the SPPD. This equipment must be in operation during all business hours. Camera installation shall be completed by May 1, 2010. 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 DIS upon request.

Mr. Fischbach presented the license history and requested modification: In 2009, Mr. Hawila submitted a request to add a Malt Off Sale license to his existing licenses. There was a legislative hearing on October 15, 2009 and the hearing officer recommended conditions #3-7 be placed on the licenses. On February 11, 2010, Mr. Hawila signed a license condition affidavit acknowledging and agreeing to all conditions being placed on his licenses. On February 24, 2010, the City Council approved the addition of a Malt Off Sale license subject to the conditions being added to the licenses. On April 7, 2010, DSI sent a letter to Mr. Hawila explicitly reminding him of the need to comply with license condition #6 by May 1, 2010. On April 9, 2010, the Malt Off Sale license was approved and added to Mr. Hawila's existing licenses. On April 14, 2010, a SPPD police officer sent an email that the security camera/recording equipment had been installed, but that Mr. Hawila had objected to the requirement that "there shall be an employee on-staff at all times with the ability to make them (recordings) immediately available to the SPPD and/or DSI upon request." On May 12, 2010, Mr. Hawila sent a letter stating that he objected to this license condition. Mr. Hawila has requested a review of license condition #6 and to discuss a possible modification of the language that requires an employee be on-staff at all times with the ability to make recordings immediately available to the SPPD and/or DSI staff.

DSI recommends that license condition #6 be changed to the language which was recently approved by the City Council involving an issue of a similar nature with another licensed establishment, which states as follows:

The license holder shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department (SPPD) immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or DSI requests copies of the surveillance tapes, the licensee shall have a forty-eight (48) hour period in which to provide such copies.

Mr. Hawila stated that he had objected to condition #6 because he did not trust his employees to have access to his computer system which controlled the video cameras. He explained that one of his managers previously had access to the computer and he believed he had been stealing from him; however, he had no way to prove it since he believed this employee had deleted or turned off the cameras during his crime sprees. This employee was no longer working for him. He said there had been a hold up at his store the previous week wherein a robber held up his clerk at knifepoint. When he received a call from his clerk about the incident, he immediately went to the store. The police were there and when they requested he submit the video of the incident, he immediately burned a CD for the police and for the media.

Mr. Fischbach told Mr. Hawila that because he had applied for a Malt Off Sale license, condition #6 became a necessary condition of his licenses. Mr. Hawila stated that he may choose not to sell beer, depending upon his sales. Mr. Fischbach responded that if he chose not to sell beer, condition #6 could be removed as a part of the conditions as it would no longer be necessary.

Ms. Vang asked Mr. Hawilla if he understood the new proposed language to condition #6 or whether he had a problem with the language. She also asked whether he understood that if he did not comply with this condition, he would be in violation of his license if he failed to provide video recordings immediately to the SPPD upon request. Mr. Hawilla responded that he did not have a problem with the new language and said he understood he would be in violation if he failed to immediately provide a video to the SPPD upon request.

Mr. Fischbach stated that he would be sending a new conditions affidavit for Mr. Hawila to sign and return to him.

Ms. Vang stated that she will recommend to the City Council that they approve the modification of condition #6 of the current licenses.

The hearing adjourned at 2:45 p.m.

Submitted by:  
Vicki Sheffer

Note: Conditions Affidavit was signed on November 26, 2010