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St. Paul City Council
15 W. Kellogg Blvd.
St. Paul, MN

RE: REQUEST 586 RICE NOT LOSE NON-LIQUOR LICENSES (ALARM, RESTAURANT, ENTERTAINMENT LICENSES)

Dear City Council President Kathy Lantry and Council Members:

Licenses at 586 Rice have repeatedly offered to surrender the Liquor License to DSI. But we were horrified to learn from attorney Kyle Lundgren that all licenses for 586 Rice could also be lost. Licensee Vu Hoang (and other 3 property owners innocent of any misconduct) respectfully ask the City Council leave some licensed uses like the Alarm License, Restaurant License and Entertainment License so good prospects for the building can be shown and improvement loans gotten (as was done by owners in 2004 with over \$150,000 in work done including anything inspectors wanted). People want to fix this building if the City Council allows them a good chance. This building is unlike other bars DSI has developed a "mode" of dealing with and has other licensed uses people never agreed to put at risk and want to retain.

First, as a basic principle of freedom the City should not do more and threaten more than is necessary to stop the misconduct occurring. Serving a minor liquor is logically a violation of the Liquor License which can be taken to stop such misconduct, it has no connection to safely using the Alarm License so it too should be lost. Misconduct of allowing overcrowding or Fire Inspector finding blocked doors would be a violation of the Entertainment license, but taking away an Entertainment License (so basically a people's constitutional Right to Assemble) for unrelated acts seems un-American. The City would think it "absurd" to say if St. Thomas University has their liquor license revoked they lose all licenses like Restaurant and Entertainment so can't sell food, sell tickets to concerts, and must close -- the City should not be biased and treat small minority business licenses differently from big businesses. Also, restaurants in other cities can lose their Liquor License yet keep their Restaurant License so remain open -- St. Paul should not be more anti-business and less free than other cities.

Second, it would be an unfair surprise to take all licenses and maybe improper. Building users since 1931 and since Vu Hoang started in 1994 have gotten separate licenses for entertainment, bowling, restaurant, alarms, celebration hall with music, community events in the 70s, and other things. They paid a separate fee for each. Paperwork did not list licenses as one giant license to be lost altogether. Most papers mailed out just said a time period and ordinary Code description without Liquor License conditions now claimed to apply to all licenses. Conditions are listed only at DSI in-house computers and when printed out are put next to the Liquor License. Importantly, people and especially the minority community honestly do not understand why for Liquor violations DSI is threatening uses the community wants.

Third, the City Code says conditions can be imposed on each license not that any condition applies to all licenses (if the Code wanted to say more it would have). It is an absurd thus not a correct legal reading of Code to say people should be without a burglar Alarm License since they lost their Liquor License. Liquor penalty guidelines are covered in a different section, 409.26 than normal licenses guidelines, 310.05(m), and nothing in Code ties all misconduct to apply to all licenses. The Code controls even if DSI has gotten use to a "mode" of dealing with bars who did not object to losing their non-Liquor licenses.

Fourth, the ALJ case whose factual record is now closed did not cover any misconduct or any proper penalties related to Alarms, Restaurants, and Entertainment Licenses. No showing of conditions on licenses other than on Liquor Licenses were covered also. Such things were skipped so no facts exist to support action, and taking non-Liquor Licenses could be reversed.

Fifth, at the very least the City Council has the power and many reasons to deviate from any guidelines DSI says apply to let the Alarm, Restaurant, and Entertainment Licenses remain. Here over a dozen members of the community and local business owners came to the Public Hearing and said they need this meeting hall to remain open for weddings and cultural events. Here there is no misconduct with any logical relation to the Alarm, Entertainment, and Restaurant License so no logical reason to revoke such licenses. Here even the ALJ calls for no revocations at all, let alone the Alarm, Entertainment, and Restaurant Licenses. Here owners desperately need some licensed uses to remain to allow improvement loans.

Finally, at the very least it is requested DSI and the City Attorney 1) explain to the City Council how any misconduct logically relates to Alarm, Restaurant, and Entertainment Licenses, why revocation of all licenses is necessary for Liquor misconduct, and what in record legally supports that, and 2) at least gives the City Council the option of not revoking all licenses.

Sincerely,



Alex W. Russell for Vu Hoang