

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Shawn McDonald, being first duly sworn, deposes and says that on the 6th day of May, he served the attached **NOTICE OF VIOLATION AND REQUEST FOR UPWARD DEPARTURE TO REVOCATION** and a correct copy thereof in an envelope addressed as follows:

RAS Restaurant & Lounge
2516 7th Street West
St. Paul, MN 55116

Zinash Amde
4139 Benjamin Drive
Woodbury, MN 55129

Ras Ethiopian Bar and Restaurant LLC
2516 7th Street West
Saint Paul, MN 55116-2817

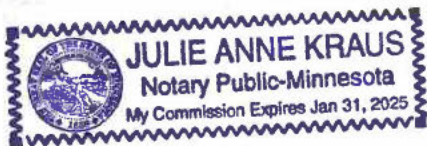
Kathy Carruth, Executive Director
Highland District Council
1978 Ford Parkway
Saint Paul, MN 55116

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Shawn McDonald

Subscribed and sworn to before me
This 6th day of May 2022


Notary Public





May 6, 2022

**NOTICE OF VIOLATION
AND REQUEST FOR UPWARD DEPARTMENT
TO REVOCATION**

RAS Restaurant & Lounge
2516 7th Street West
St. Paul, MN 55116

RE: Liquor on Sale -101 - 189 seats, Liquor On Sale- Sunday, Liquor On Sale 2AM Closing, Liquor Outdoor Service Area- Patio, and Entertainment B Licenses held by RAS Ethiopian Bar & Restaurant LLC d/b/a RAS Restaurant & Lounge for the premises located at 2516 7th Street West in Saint Paul. License ID #: 20100000062

Dear Licensee:

The Department of Safety and Inspections ("Department") has recommended 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 and Gambling Location Licenses held by RAS Ethiopian Bar & Restaurant LLC d/b/a RAS Restaurant & Lounge ("Licensee") for the premises located at 2516 7th Street West in Saint Paul, ("Licensed Premises") based on numerous violations.

Background:

On January 21, 2022 Saint Paul Police responded to an aggravated assault call from the licensed premises. Their reports are documented under Saint Paul Police Case Number ("CN") 22-010938. Saint Paul Police closed this case as pended on March 23, 2022 and the matter was then investigated by the Department of Safety and Inspections for possible licensing violations.

Records at the Department show that the License for this Licensed Premises has the following License Conditions:

1. The licensee shall provide and maintain working video surveillance cameras and recorders on the premises (both inside and outside) in accordance with Saint Paul Police Department (SPPD) recommendations. The number of cameras, their placement and their quality must be approved by SPPD; and there shall be adequate lighting to support the camera placement. This equipment must be in operation during all business hours. 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 the Department of Safety and



Inspections (DSI) upon request. Video surveillance equipment shall be installed prior to the issuance of any license(s).

2. The licensee shall provide an adequate security staff from 9:30 p.m. until 2:30 a.m. (or until all customers/patrons have left the premises, including the parking lot area) every Friday and Saturday night to ensure a safe and secure environment for the public and their employees. Security personnel are in addition to bartenders, servers, and cooks (staff assigned to these duties are not considered part of the security staff) and shall wear clothing that clearly identifies them as security. The licensee and security staff shall be responsible for monitoring both the interior and exterior of the premises and shall patrol the parking lot area on a regular basis.

3. Last call shall be given no later than 1:30 a.m., and the licensee shall ensure that all patrons have left the premises (including the parking lot area) no later than 2:30 a.m.

4. The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.

5. The food and beverage (both alcoholic and non-alcoholic) service to the patio must stop at 10:00 PM each night of the week. Patrons will be allowed to smoke on the patio until 2:00 AM.

6. The licensee shall post signs in Ethiopian and English in their restaurant and on Sibley Manor property to communicate to their customers that there shall be no parking on Sibley Manor property.

7. The licensee shall keep all windows and doors closed whenever entertainment is provided.

8 No audible entertainment may be provided outside the establishment (e.g., the patio seating area).

9. The licensee shall contract for weekly trash service.

10. The license holder shall make sure that all refuse and trash that is on the premises and/or surrounding sidewalk is removed from the licensed premises, and the surrounding sidewalk by noon on a daily basis.

11. Licensee agrees to maintain the off-street plan on file with the Department of Safety and Inspections dated 02/27/2013. This includes maintaining the striping of the parking lot, compact and handicap parking space signage, vehicle curb-stop parking barriers, trash container fencing, and bike rack.



12. Licensee agrees to maintain a barrier sufficient to prevent customer and/or employee vehicles from parking and/or driving on the separate parcel of vacant land with property identification number 212823140004 (located immediately behind this property). The current approved barrier is the curb- stop parking barriers as shown on the approved site plan on file with OSI dated 02/27/2013. Further, licensee agrees to obtain prior written site plan approval from OSI, and to make all necessary improvements to this vacant parcel of land as required under this approval process, before using this property in any manner (e.g., parking of customer and/or employee vehicles, allowing access to this vacant parcel of land from their property, placement of trash/recycling containers, etc.).

Records at the Department show that this is the third violation within 18 months:

On April 12, 2021, the Licensee paid a \$500 matrix penalty after inspectors documented violations of license conditions #11 and #12.

On March 31, 2022 the Licensee paid a \$1,000 matrix penalty after inspectors documented violations license conditions #11 and #12 during a follow up inspection on September 15, 2021.

Applicable Matrix Penalties:

Based on the two prior violations, the presumptive penalty for offenses falls within the third box on the penalty matrix.

Saint Paul Legislative Code Section 310.05 (m)(1) sets the presumptive penalty for a third violation of conditions placed on the license at a 10 day suspension and a \$2,000 matrix penalty.

Saint Paul Legislative Code Section 310.05 (m)(3) sets the presumptive penalty for a third violation of provisions of the legislative code relating to the licensed activity at a 10 day suspension and a \$2,000 matrix penalty.

Saint Paul Legislative Code Section 409.26 (3) sets the presumptive penalty for sale of alcoholic beverages to an underage person at up to an 18 consecutive day suspension.

Saint Paul Legislative Code Section 409.26 (7) sets the presumptive penalty for refusal to allow city inspectors or police admission to inspect the premises at revocation.



Basis for Revocation Recommendation from the Department of Safety and Inspections:

There is a history of same/similar violations related to failure to produce video:

- failure to provide video in 2019 in response to SPPD attempts to investigate a large afterparty, service after hours which is documented under CN 19160830;
- failure to provide video in 2015 in response to SPPD attempts to investigate an assault that took place on the Licensed Premises on 7-9-2015 which is documented under CN 15-143846 ; and
- failure to provide video in 2014 in response to SPPD attempts to investigate two incidents that had occurred at the Licensed Premises CN 14066843.

The number of and serious nature of the current violations including:

- Service to minors and allowing minors to consume alcohol on the Licensed Premises.
- Numerous violations of License Condition #1:
 - failure on January 21, 2022 to have an employee on staff at all times with the ability to make video immediately available to the SPPD and/or DSI; and
 - failure to provide SPPD and DSI staff with a complete copy of the video requested by Licensing Manager Eric Hudak and video technician, James Legierski.
- Failure to allow police admission to inspect the premises.
- Failure of the licensee take reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage in violation of Saint Paul Legislative Code Section 409.08 (15).
- Violation of license condition #4 - The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior.

This is the third adverse action against the Licenses held by Licensee within 18 months.

The Department believes that the following sections of Saint Paul Legislative Code support their recommendation for revocation:

- Saint Paul Legislative Code Section 310.06 sets forth a variety of reasons under which adverse actions can be based. Adverse action may be based on one or more of the following reasons,



which are in addition to any other reasons specifically provided by law or in the Saint Paul Legislative Code.

- Section 310.06 (b)(5) supports adverse action when the licensee or applicant has failed to comply with any condition set forth in the license.
- Section 310.06 (b)(6)(a) supports adverse action when the “licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has violated, or performed any action which is a violation of, any of the provisions of these chapters or of any statute, ordinance or regulation reasonably related to the licensed activity, regardless of whether criminal charges have or have not been brought in connection therewith”.
- Section 310.06 (b)(6)(c) supports adverse action when the “licensee or applicant (or any person whose conduct may by law be imputed to the licensee or applicant) has engaged in or permitted a pattern or practice of conduct of failure to comply with laws reasonable related to the licensed activity or from which an inference of lack of fitness or good character may be drawn”.
- Section 310.06 (b)(7) supports adverse action when the “activities of the licensee in the licensed activity created or have created a serious danger to the public health, safety or welfare, or the licensee performs or has performed his or her work or activity in an unsafe manner”.
- Section 310.06(b)(8) supports adverse action when the “licensed business, or the way in which such business is operated, maintains or permits conditions that unreasonably annoy, injure or endanger the safety, health, morals, comfort or repose of any considerable number of members of the public”.
- Under Saint Paul Legislative Code Section 408.08 (2)(a), “No licensee, or agent or employee thereof, shall serve or dispense upon the licensed premises any intoxicating liquor to any minor; nor shall such licensee, agent or employee permit any minor to be furnished with or to consume any such liquor on the licensed premises; nor shall such licensee, agent or employee permit any minor to be delivered any such liquor.”
- Under Saint Paul Legislative Code Section 409.08 (5), “Every licensee is hereby made responsible for the conduct of his place of business and required to maintain order and sobriety in such place of business.”



- Under Saint Paul Legislative Code Section 409.08 (15), "Each on-sale shall have the responsibility of taking reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage, and the failure to do so may subject such licensee to adverse action against his or her license."
- Saint Paul Legislative Code Section 409.26 (7) establishes failure to allow city inspectors or police admission to inspect the premises as an offense that has a penalty on the matrix under which adverse action and revocation is supported.

Saint Paul Legislative Code Section 310.05 (m) states that "penalties are presumed to be appropriate for every case; however, the council may deviate therefrom in an individual case where the council finds and determines that there exist substantial and compelling reasons making it more appropriate to do so".

Saint Paul Legislative Code Section (m)(ii) states that the "occurrence of multiple violations shall be grounds for departure from such penalties in the council's discretion."

Saint Paul Legislative Code Section (m)(iv) addresses subsequent appearances stating, "upon a second, third or fourth appearance before the council by a particular licensee, the council shall impose the presumptive penalty for the violation or violations giving rise to the subsequent appearance without regard to the particular violation or violations that were the subject of the first or prior appearance".

Revocation is the presumptive penalty within the penalty matrix for a third violation when the current allegations are refusal to allow city inspectors or police admission to inspect the premises is revocation.

Even without the presumptive penalty of revocation for refusal to allow city inspectors or police admission to inspect the premises, the Department asserts that the remaining facts of this adverse action support upward departure one box on penalty matrix to revocation given the seriousness of the violations and the number of individual violations.

Summary of Facts Supporting Violations:

Violation #1:

Licensee allowed service to minors and allowed minors to consume alcohol on the Licensed Premises



Violation #1 Facts:

Per Saint Paul Police Case Number 22-010938 on January 21, 2021 at approximately 01:11 hours squads were dispatched to the Licensed Premises on a report of an aggravated assault. Saint Paul Police Officers ("Officers") located the victim outside of the Licensed Premises. The victim had a minor cut to the top of her head. The victim stated that the suspects were currently inside of the Licensed Premises.

Officers interviewed the victim and learned that she was 19 years of age. She had gone to the Licensed Premises with her friend (who was initially not willing to provide identification) and that they had ordered some food and drinks. The victim stated that she was approached by an individual who started throwing punches at her. She and her friend fought back and shortly after that she ran out of the Licensed Premises with her unknown female friend. The victim told officers that when she got to Davern and 7th Street the male suspect threw a bottle at her head, causing her to fall down on the ground. The victim told officers that the suspect also pulled her hair and dragged her. Officers observed an approximately one inch cut on the victim's head. Her report is consistent with other 911 calls detailed on the 911 log. Officers learned through subsequent investigation that the victim's cut required 2-3 stitches. Officers gave the victim and her friend a ride home.

On January 21, 2022 Saint Paul Police Sergeant Mahowald of the Robbery/Homicide unit was assigned the case. Sergeant Mahowald spoke with the victim by phone who identified her friend. Sergeant Mahowald was able to speak with the victim's friend who verbally identified herself as a 15 year old female. The victim's friend explained that before the assault the suspect had bought her a drink and put his phone number and name in her phone. Sergeant Mahowald submitted a request to the video management unit asking them to collect video from the Licensed Premises for the timeframe of 2330 hours on January 20, 2022 until the squads arrived on scene from the License Premises. He requested that the video be recovered as soon as possible.

On January 23, 2022 Sergeant Mahowald spoke with the victim again and learned that she had gone to the bar with her friend about 8:00 p.m. and that they both were served and consumed alcoholic beverages there. In speaking with the victim's friend, Sergeant Mahowald also learned that the reason they went to this bar is because they don't ask anyone for ID and that they were both drinking Hennessey in the bar.

Violations #2 - 5:

Violation of License Condition #1 when on January 21, 2021 there was not an employee on staff with the ability to make video available for viewing to SPPD officers investigating a felony level assault on a minor.



Violation of License Condition #1 when on January 21, 2021 video technician, James Legierski requested immediate production of the video from the assault that took place on the licensed premises and staff told him that that he would need to call back in an hour or two.

Violation of License Condition #1 when on January 21, 2021 video technician, James Legierski requested immediate production of the video from the assault from the owner/manager, DJ who told him he would need to wait until January 24, 2021.

Violation of License Condition #1 when on January 24, 2021 video technician, James Legierski went to pick up video from the assault after the owner, DJ who told him it was ready and no one was able to product the video.

Violations #2 - 5 Facts:

On January 21, 2022, Officers responding to and attempting to investigate an assault spoke with an individual they identified as the owner and asked if they could review the video camera's from inside the Licensed Premises and the owner told them he did not know how to view video.

On January 21, 2022, video technician, James Legierski called the Licensed Premises and spoke with an employee who informed him that no owner or manager was available to speak with him. Video technician Legierski told the employee that he needed to talk with someone about collecting the video. He was told to call back in an hour or two. Video technician Legierski told the employee that he needed the video immediately and again was told to call back in an hour or two. Video technician Legierski asked for the name of the owner and was told his name was DJ. Video technician Legierski used the name DJ to look back in past calls for service. He was able to cross reference the name, find a number and called it. He verified that he was speaking with DJ, introduced himself and told DJ that he needed to come to the location and collect the video. DJ told him he would have to wait until Monday January 24, 2022 because he wasn't at the location and he won't be there because he had surgery. DJ told him he would try and call someone and call him back. Video technician Legierski waited ½ hour and then tried DJ back the call went to voicemail and because the voicemail was full he was unable to leave a message.

On January 24, 2022 video technician Legierski received a call from DJ. DJ told him that the video was ready to pick up. When he went to the Licensed Premises to pick up the video, he spoke with an unidentified employee who told her DJ was not in. The unidentified employee made a call to someone and then told video technician Legierski that he would be there shortly. Video technician Legierski waited 15 minutes and then left, noting that no one on site knew anything about him being there to pick up a video, nor did they give him access to their recording system. Video technician



Legierski did receive a message from someone from Innovative Security who said they would be sending someone to the Licensed Premises tomorrow (January 25, 2022).

On January 25, 2022, the Saint Paul Police Sergeant assigned to Licensing for the Department of Safety and Inspections Sgt. Graupman worked with DSI Licensing Manager Eric Hudak to draft a formal request for all interior and exterior surveillance video from the business, which is a required condition of their business license (condition #1). The request required video from January 20, 2022 from 11:30 p.m. until 2:00 a.m. on Friday, January 21, 2022. Licensing Manager Hudak went to the Licensed Premises on January 25, 2022 to deliver the request and was given the copy of the video that Saint Paul Police Sergeant Legierski had requested. Licensing Manager Hudak turned over that sealed white envelope labeled "police" to Sergeant Graupman who turned over the video to video technician Legierski and Sergeant Mahowald. On or about January 28, 2022, Licensing Manager Eric Hudak received a phone call from an individual who stated she represented the camera service provider for RAS. She stated that the owners of RAS asked her to call him and explain the requested video could not be provided.

Violation #6

Failure to provide a complete copy of the video in accordance with License Condition #1

Violation #6 Facts:

When Sergeant Graupman reviewed the video he noted that it was incomplete. This is consistent with reports from Video technician Legierski who reviewed the video provided by the Licensee. Video technician Legierski noted in his report that the video was incomplete stating:

"The security camera videos provided by RAS Bar are incomplete, the camera labeled Ch #1, which would have covered the parking lot directly outside the maid door and could have captured the assault, STARTS at 0144 hrs. (AFTER THE ASSAULT) and ends at 0150 hrs.

Violation #7

Failure to allow police admission to inspect the premises.

Violation #7 Facts:

When officers arrived to investigate the aggravated assault, they found the victim outside of the Licensed Premises. Officers went to the front door of the licensed premises and found that the door was locked. Officers then went to the rear of the address and knocked very loudly, multiple times, announcing that it was the Saint Paul Police. After approximately 5 minutes, someone opened the door. When video technician Legierski viewed the video provided by the Licensee he noted the



following in relation to the locked door and failure of the Licensee to allow the officers into the Licensed premises:

Video from Ch #11 shows at time stamp 0119 hrs., an unknown manager locks the rear/patio number. There are multiple people in the bar still drinking at the bar and bar tables.

Video from Ch #2 (which also has audio) shows at time stamp 0127 hrs., SPPD Officers on the rear patio knocking on the door, announcing themselves and telling the occupants to open the door.

Video from Ch #11 at time stamp 0129 hrs., shows the occupants of the bar, going to the locked rear/patio door listening to the Officers telling them to unlock the door, they do NOT open the door.

Video from Ch #11 at time stamp 0130 hrs., shows a different male finally unlocking/opening the rear/patio door, letting SPPD Officers inside.

When officers asked why the doors were locked they were told that the Licensed Premises were closed. However, Officers observed and noted that there were approximately 15-20 people still inside the business. The individuals were still drinking drinks and it appeared to the officers that drinks were still being sold. Officers were not able to locate the suspects inside the Licensed Premises.

Violation #8

Licensee failed to take reasonable and adequate steps to prevent persons from leaving the licensed premises with a bottle, can or glass containing any alcoholic beverage in violation of Saint Paul Legislative Code Section 409.08 (15).

Violation #8 Facts:

On April 27, 2022, Sergeant Graupman reviewed the video provided by the Licensee. He noted that it contains evidence of disorderly behavior/fighting, the underage victim in the bar in the presence of alcohol, alcoholic drinks leaving the establishment and the failure of the business to allow immediate entry by Saint Paul Police.

Violation #9

The Licensee's license condition require that "The license holder or security shall immediately notify police of any individuals engaging in unlawful behavior or suspected unlawful behavior."

Violation #9 Facts:

The Licensee failed to notify the police when the fight occurred within the Licensed Premises.



At this time you have (4) options to proceed:

1. If you do not contest the imposition of the proposed adverse action and revocation of your licenses, you may do nothing. If I have not heard from you by **May 20, 2022**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the City Council Consent agenda for approval of the proposed remedy and revocation of your licenses.
2. If you wish to admit the facts but you contest the revocation of your license, you may have a public hearing before the Saint Paul City Council. You will need to send me a letter with a statement admitting to the facts and requesting a public hearing no later than **May 20, 2022**. The matter will then be scheduled before the City Council to determine whether to impose the penalty recommended by the Department and revoke your licenses. You will have an opportunity to appear before the Council and make a statement on your own behalf.
4. If you dispute the facts outlined above, you may request a hearing before an Administrative Law Judge (ALJ). You will need to send me a letter disputing the facts and requesting an administrative hearing no later than **May 20, 2022**. At that hearing both you and the City will appear and present witnesses, evidence and cross-examine each other's witnesses. After receipt of the ALJ's report (usually within 30 days), a public hearing will need to be scheduled. At that time, the City Council will decide whether to adopt, modify or reject the ALJ's report and recommendation.

Please note: If you choose an administrative hearing, the Department of Safety and Inspections reserves the right to request that City Council impose the costs of the administrative hearing per Saint Paul Legislative Code § 310.05 (k).

If you have not contacted me by May 20, 2022, I will assume that you do not contest the imposition of the penalty recommended by DSI and the revocation of your licenses. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please contact my Legal Assistant Shawn McDonald at (651) 266-8729.



Sincerely,

Therese Skarda
Assistant City Attorney
License No. 0240989

Cc: Zinash Amde, 4139 Benjamin Drive, Woodbury, MN 55129
Ras Ethiopian Bar and Restaurant LLC, 2516 7th Street West, Saint Paul, MN 55116-2817
Kathy Carruth, Executive Director, Highland District Council, 1978 Ford Parkway, Saint Paul, MN 55116

Attachments: Screenshots from EClips System
STAMP – Ownership/Zoning Information
License Group Conditions Text
License Group Comments Text
January 28, 2022, letter requesting surveillance video from license premises
Saint Paul Police Department call log of license premises
Saint Paul Police Incident Report Case number 22010938
Photo stills of surveillance video on January 21, 2022
Saint Paul Police Incident Report Case number 14066843
Saint Paul Police Incident Report Case number 15143846
Saint Paul Police Incident Report Case number 19160830
January 21, 2022, Surveillance video from License premises