



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

March 17, 2014

NOTICE OF VIOLATION

Marcy McHenry
Dancers Studio
415 Pascal Street North
St. Paul, MN 55104

RE: Dance or Rental Halls license held by Twin Cities Dance and Entertainment, LLC d/b/a Dancers Studio for the premises located at 415 Pascal Street North in Saint Paul.
License ID #: 20100001397

Dear Ms. McHenry:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Dance or Rental Halls license held by Twin Cities Dance and Entertainment, LLC d/b/a Dancers Studio for the premises located at 415 Pascal Street North in Saint Paul. The basis for the recommendation is as follows:

On January 13, 2014, you met with Assistant City Attorney Geoffrey Karls, DSI Senior Inspector Kristina Schweinler, and a sergeant from Saint Paul Police Western District to discuss your license conditions and expectations. This meeting was precipitated by concerns that your facility was being leased for public musical events. It was explained to you at the meeting that your rental hall license conditions did not allow you to operate your facility as a "public dance hall," as defined in Chapter 405 of the City code. It was further explained to you that, for this reason, your facility could not host musical entertainment events that were open to the public. The meeting ended with your agreement that you would only lease your facility for private events in the future.

On March 7, 2014, at approximately 11:00 p.m., Saint Paul Police initiated an investigative stop at your establishment. Officers observed that there appeared to be a public event that evening, with several security personnel at the door and patrons inside. The officers were told most patrons typically come at 11:00 p.m.

The officers were directed to the person in charge that night, Vergara Lamberto, who informed them that they were charging a \$15.00 cover fee to get into the establishment. He further stated that they sometimes charged a \$10.00 cover for events at your facility, depending on the night of the week, and if they have a live band. The officers noted there was a live band present that night. Lamberto also indicated that alcohol was served at these events, and was being served that night.

DSI later obtained numerous flyers indicating that your facility was being used for public events involving live bands and DJs throughout the month of February, 2014.

This situation represents a violation of your license condition #1: "The Rental Hall license is issued to this location for a rental hall use only, as defined under Chapter 405 of the City of Saint Paul Legislative Code, and license condition #2: Licensee agrees not to rent the building to, operate, and/or allow to be operated on the premises any use that meets the definition of a "public dance hall" or a "dance hall" as defined respectively under Chapter 405, and Section 65.642 of the City of Saint Paul Legislative Code."

Due to the willful disregard of the conditions associated with your license, per Saint Paul Legislative Code § 310.05 (m) (1) the licensing department will recommend a \$1,000.00 matrix penalty.

At this time, you have three options how to proceed:

1. You can pay the recommended \$1,000.00 matrix penalty. If this is your choice, you should make payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Thursday, March 27, 2014**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty will be considered to be a waiver of the hearing to which you are entitled.
2. If you wish to admit the facts but you contest the penalty, 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. I will need to receive your letter by **Thursday, March 27, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,000.00 matrix penalty. You will have an opportunity to appear before the Council and make a statement on your own behalf.
3. 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 **Thursday, March 27, 2014**. 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 Thursday, March 27, 2014, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty. 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 feel free to contact me at 266-8710.

Sincerely,



Geoffrey Karls
Assistant City Attorney

cc Kristina Schweinler, Senior License Inspector – DSI
Marcy McHenry, 3432 Denmark Avenue, Ste. 90, Eagan, MN 55123
Thomas G. Mirandi, VP of Real Estate, RD Management, LLC, 810 Seventh Avenue, 10th Floor, New York, New York 10019
Andrew Ulven, Community Organizer, Union Park District Council, 1570 Concordia Avenue
Suite LL100, Saint Paul, MN 55104

