



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

December 22, 2016

NOTICE OF VIOLATION

Dean Bigaouette  
Hot Rods Bar & Grill  
1553 University Avenue West  
St. Paul, MN 55104

RE: All licenses held by Midway Enterprises, LTD d/b/a Hot Rods Bar & Grill for the premises located at 1553 University Avenue West in Saint Paul  
License ID #: 0016294

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by Midway Enterprises, LTD d/b/a Hot Rods Bar & Grill for the premises located at 1553 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

**On October 20, 2016 at approximately 2:00 a.m., Saint Paul Police were sent to your establishment, at the request of officers conducting surveillance at the time, to stop a known wanted party as he left the bar (CN #16-215-842). He had an outstanding Gross Misdemeanor warrant for his arrest and had revoked driving status.**

**When the officers arrived, they observed the suspect holding a cup as he exited the bar with a bar employee an hour past closing time. After the suspect entered his vehicle and left the bar parking lot, the officers stopped him on Snelling Avenue and Spruce Tree.**

**As they approached the vehicle, they observed the male throw the liquid from the cup onto the floor of the car. The cup and the liquid on the floor had a strong odor of an alcoholic beverage with the ice still visible on the floor.**

**Saint Paul Legislative Code § 409.08 (15) states: "Each on-sale licensee 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."**

In addition, according to Department of Safety and Inspections records, you do not hold a current Liquor On Sale-2AM Closing license that would allow you to keep your establishment open past 1:00 a.m. Allowing patrons to remain in the bar past lawful closing time is a violation of Saint Paul Legislative Code § 409.08 (9) which states: *“No person shall remain in or loiter in the parking lot of an on-sale licensee after the lawful closing hour.”*

Saint Paul Legislative Code Section 310 provides that adverse action may be taken against your licenses based on any one or more of the following grounds:

Section 310.06 (b) (6) (a): *“the license or applicant (or any person whose conduct may by law be imputed to the licensee of applicant) has violated, or performed any act which is a violation of, any of the provision 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): *“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 reasonably related to the licensed activity or from which an inference of lack of fitness or good character may be drawn.”*

Section 310.06 (b) (8): *“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.”*

As a result of these violations, per Saint Paul Legislative Code § 409.26(b) (6) and (9), the licensing office will recommend a \$1,000.00 matrix penalty.

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

1. If you do not contest the imposition of the proposed adverse action, you may do nothing. If I have not heard from you by **Monday, January 2, 2017**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. You can pay the recommended \$1,000.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, January 2, 2017**. 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.

3. 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 **Monday, January 2, 2017**. The matter will then be scheduled before the City Council 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.
  
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 **Monday, January 2, 2017**. 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 Monday, January 2, 2017, 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,



Therese Skarda

Assistant City Attorney

cc: Dean Bigaouette, 1905 Myrtle Street, Maplewood, MN 55109  
Kyle Mianulli, Director of Communications & Community Engagement, Hamline Midway Coalition  
1558 Minnehaha Avenue West, St. Paul, MN 55104-1264

STATE OF MINNESOTA)  
 ) ss.

**AFFIDAVIT OF SERVICE BY U.S. MAIL**

COUNTY OF RAMSEY )


Julie Kraus, being first duly sworn, deposes and says that on the 22<sup>nd</sup> day of December she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

Dean Bigaouette  
Hot Rods Bar & Grill  
1553 University Avenue West  
St. Paul, MN 55104

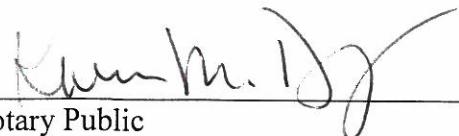
Dean Bigaouette  
1905 Myrtle Street  
Maplewood, MN 55109

Kyle Mianulli, Director of Communications  
& Community Engagement  
Hamline Midway Coalition  
1558 Minnehaha Avenue West  
St. Paul, MN 55104-1264

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

  
Julie Kraus

Subscribed and sworn to before me  
this 22<sup>nd</sup> day of December, 2016

  
Notary Public

