



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

October 14, 2016

NOTICE OF VIOLATION

Michael Krenik
Trend Bar
1537 University Avenue West
St. Paul, MN 55104

RE: All licenses held by KIB Properties, Inc. d/b/a Trend Bar for the premises located at 1537 University Avenue West in Saint Paul
License ID #: 20070003867

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against all licenses held by KIB Properties, Inc. d/b/a Trend Bar for the premises located at 1537 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

On September 15, 2016 Saint Paul Police conducted a compliance check based on quality of life issues around your establishment (CN #16-188-411). The officers walked into the bar and were met by the bartender. They ordered a bottle of Coors Light and glass of Michelob Golden beer. They sat at the bar for approximately five (5) minutes. Then one of the officers walked past the bartender to the front door with his open bottle of beer. The officer walked outside to the street to the corner of University and Asbury Street. The bartender did not say anything to the officer or come outside.

The officer then walked across Asbury Street and stood on the corner and sipped his beer. After a short time, he walked back into the bar past the bartender to his seat next to the other officer. The bartender again did not say anything to him about leaving the bar with an open bottle of beer. The other officer took photographs of the officer leaving the bar with the open beer and then on the street corner.

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."

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 laced 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 this violation, per Saint Paul Legislative Code § 409.26(b) (9), the licensing office will recommend a \$500.00 matrix penalty. In addition, the licensing office will recommend the following new conditions be placed on your license:

11. Licensee will create a video surveillance camera and lighting placement plan (Video Surveillance Plan) for the interior and exterior of the licensed premises. Licensee will submit the Video Surveillance Plan to the Saint Paul Police Department liaison with the Department of Safety and Inspections for review and approval. In accordance with the approved Video Surveillance Plan, Licensee will ensure that the video surveillance cameras are installed by November 30, 2016. Licensee will maintain installed video surveillance cameras in working order; ensure that they are recording 24-hours per day and capable of producing surveillance video in a commonly used, up-to-date format. Licensee will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, Licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of a surveillance video from a serious incident is request by SPPD, Licensee shall have the technology, material and staff available to immediately make the copy. In all other cases, Licensee shall provide a copy of the surveillance video to the requestor within 48 hours.
12. Licensee shall retain clearly identifiable security personnel. Clearly identifiable security personnel mean a uniform or marked outerwear. Security person shall be assigned to each entrance of the licensed premises starting at 9:00 PM during any day of operation and shall remain until all patrons have left the licensed premises. Security personnel shall “wand” (using a metal detector) each patron and check all handbags and packages carried by patrons. The requirement to wand patrons includes those who are returning to the establishment. Security personnel shall verify the age of patrons by checking state or federally issued identification cards. Licensee shall establish and require that security personnel enforce a no picture I.D., no entrance policy. Security personnel shall not allow alcoholic beverages to leave the service area of the licensed establishment.
13. Licensee will insure that daily inspection of the perimeter of the licensed premises takes place. Any trash, debris, cigarette butts, bottles, cups or similar materials shall immediately be removed.

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, October 24, 2016**, I will presume that you have chosen not to contest the proposed adverse, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. You can pay the recommended \$500.00 matrix penalty and sign, date and return the attached license condition affidavit. If this is your choice, you should send the payment and signed license condition affidavit directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, October 24, 2016**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 and returning a signed and dated license condition affidavit 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, October 24, 2016**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty and recommended new license conditions. 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, October 24, 2016**. 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, October 24, 2016, I will assume that you do not contest the imposition of the \$500.00 matrix penalty and recommended license conditions. 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: Michael Krenik, 1263 Sherburne Avenue, St. Paul, MN 55104
Kyle Mianulli, Director of Communications & Community Engagement, Hamline Midway Coalition
1558 Minnehaha Avenue West, St. Paul, MN 55104-1264
Edward B. Hughes and Dianne M. Hughes, 1437 Marshall Avenue, St. Paul, MN 55104-6345

Attachment: License Condition Affidavit



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Department of Safety & Inspections

Ricardo X. Cervantes, Director

375 Jackson Street, Suite 220

Saint Paul, MN 55101-1806

Web Site Address: www.slpaul.gov/dsi

Telephone: 651-266-8989

Facsimile: 651-266-9124

I agree to the following conditions being placed on the following license(s):

License #: 20070003867
Type of Business: Entertainment (A)
Gambling Location
Liquor On Sale - 100 seats or less
Liquor On Sale - Over 100 seats (B)
Liquor On Sale - Sunday
Liquor-Outdoor Service Area (Patio)
Malt Off Sale
Applied for by: KIB PROPERTIES INC
Doing Business As: TREND BAR
at: 1537 UNIVERSITY AVE W
ST PAUL MN 55104

Conditions are as follows:

- 1, Licensee agrees to serve food and beverages on disposable dishes on the outdoor patio.
ADDED 1021/2008:
2. Seating capacity in the patio area is limited to eight (8) patrons.
3. Outdoor service and consumption of food and liquor will terminate at 10:00 p.m. every night of the week.
4. Patrons may purchase only one drink at a time for consumption in the patio area.
5. The back door of the establishment will remain closed and locked after 10:00 p.m. every night of the week. No entry from the back door is permitted after 10:00 p.m.
6. A receptacle for trash must be placed in the patio area at all times and at least four (4) receptacles for smoking materials will be placed on or next to the tables on the patio.
7. The licensee is responsible for patron behavior on the premises, including the outdoor patio. Patron behavior must be monitored to ensure respect for the residential character of the neighborhood and to prevent disturbances caused by patrons.
8. Signage shall be prominently posted at all entrances and exits to make patrons aware that when they leave the premises they are exiting into a residential neighborhood and should show respect and consideration for the residents.
9. Signs will be placed on each outdoor table reminding patrons that they are in a residential area. They must show consideration for the neighbors and keep their noise down.
10. Per City of Saint Paul Legislative Code 411.02, the definition of Entertainment A is, "Amplified or nonamplified music and/or singing by performers without limitation as to number, and group singing participated in by patrons of the establishment." (includes karaoke). Entertainment A license does not allow for patron and/or performance dances.
Modified 10/2016
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that video surveillance cameras are installed by November 30, 2016. Licensee will maintain installed video surveillance cameras in working order; ensure that they are recording 24-hours per day and capable of producing surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, Licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of a surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy. In all other cases, Licensee shall provide a copy of the surveillance video to the requestor within 48 hours.

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Licensee

Date

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 14th day of October she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

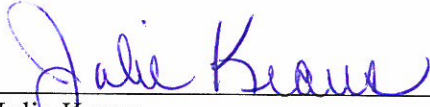
Michael Krenik
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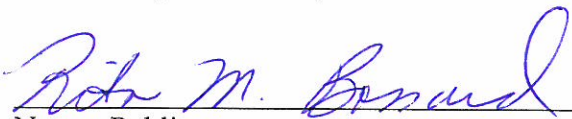
Edward B. Hughes
Dianne M. Hughes
1437 Marshall Avenue
St. Paul, MN 55104-6345

(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 14th day of October, 2016



Notary Public

