

OFFICE OF THE CITY ATTORNEY

Sara Grewing, City Attorney



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

September 16, 2014

NOTICE OF VIOLATION

Patrick Conroy, Officer
Minnesota Saloon
395 Robert Street North
Saint Paul, MN 55101

RE: All licenses held by Minnesota Saloon, Inc. d/b/a Minnesota Saloon for the premises located at 395 Robert Street North in Saint Paul
License ID #: 20120001650

Dear Mr. Conroy:

The Department of Safety and Inspections will recommend adverse action against all licenses held by Minnesota Saloon, Inc. d/b/a Minnesota Saloon for the premises located at 395 Robert Street North in Saint Paul. The basis for the recommendation is based on the following information:

On July 25, 2014, Saint Paul Police were dispatched to 6th Street and Minnesota Street for a possible assault (CN #14-154-079). When officers arrived they found a man bleeding heavily from his right arm. When officers asked the injured male what happened, he said he was attacked by bouncers after getting kicked out of the licensed premises, Minnesota Saloon ("Saloon"). Officers entered the Saloon to ask staff what happened. Officers were told, although no one actual witnessed the incident, that the man punched out a window on the north side of the bar. Staff also reported to police that no one from the Saloon chased the man or attacked him. The responding officers believed Saloon staff was being evasive about what they witnessed. The staff also refused to give their names. It was also determined that no call was made from the Saloon to the police concerning the broken window.

When officers went back to 6th Street and Minnesota, they learned that the man had been transported to Regions Hospital. The officers spoke to a witness who worked as security at the Securian Center, next to the Saloon. The security guard said he saw a group exit the Saloon and chase the man to the corner and start to assault him. After the assault, he went out to check on the man and called police. He said there was footage available and he would provide a copy to the police.

A sergeant from the Saint Paul Police Department obtained the surveillance video from the Securian Security Office. The footage showed the injured man walking northbound on Minnesota Street. Six (6) people appeared, walking and running toward the man, who put up his hands. The officers observed a tall white male punch the man twice in the face, and the man fell down onto the sidewalk. The man then gets up and appears to be yelling at the group. The group then turns around, and the man is punched in the face again by the tall white male.

The officer took a screen shot of the tall white male and heavier set male in the video. On August 29, 2014, the sergeant went to the Saloon to meet with the licensee concerning the incident. The sergeant showed licensee the screen shot from the video surveillance, and licensee identified the tall white male and the heavier set male as employees of the Saloon.

The sergeant told licensee that Saloon employees denied chasing the man or attacking him. Licensee told the sergeant that of the employee involved in the assault told him the only reason he hit the man was because he was spraying blood at him from the cut in his arm.

As a result, per Saint Paul Legislative Code § 310.05 (m) (2), the licensing office will recommend a \$500.00 matrix penalty and adding the following license conditions:

- 1. The licensee shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, license holder shall have the technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or the Department of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.*
- 2. A camera and lighting placement plan shall be submitted to the SPPD to review for adequate coverage. Lighting and camera placement (and number) language will be added after review by SPPD.*
- 3. License holder will require all employees receive training through an accredited program; this includes all employees involved in security matters. Forward completion of this program and/or requirements to DSI as well as acknowledgement agreeing to ensure all pertinent employees, now and in the future, are compliant with such program and/or requirements.*

At this time, you have three (3) options to proceed:

1. You can pay the recommended \$500.00 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 **Friday, September 26, 2014**. A self-addressed envelope is enclosed for your convenience.

You will also need to sign and return the enclosed license condition affidavit no later than **Friday, September 26, 2014**. Payment of the \$500.00 matrix penalty and return of the signed license condition affidavit 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 **Friday, September 26, 2014**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$500.00 matrix penalty and new license conditions. 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 **Friday, September 26, 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 or DSI by Friday, September 26, 2014, I will assume that you do not contest the imposition of the \$500.00 matrix penalty and new 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,



Geoffrey Karls
Assistant City Attorney

cc: Dan Niziolek, Deputy Director of DSI
Pat Conroy, 1544 Furness Parkway, Saint Paul, MN 55119
Paul Bengtson, Director, CapitolRiver Council District 17, US Bank Center, 101 East 5th Street, Suite 240
Saint Paul, MN 55101

Enc.



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.stpaul.gov/dsi

Telephone: 651-266-8989
Facsimile: 651-266-9124

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

License #: 20120001650
Type of Business: Entertainment (B)
Gambling Location
Liquor On Sale - 101-180 Seats
Liquor On Sale - 2 AM Closing
Liquor On Sale - Sunday
Applied for by: MINNESOTA SALOON INC
Doing Business As: MINNESOTA SALOON
at: 395 ROBERT ST N
ST PAUL MN 55101

Conditions are as follows:

1. The licensee shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Department immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or the Department of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.
2. A camera and lighting placement plan shall be submitted to the SPPD to review for adequate coverage. Lighting and camera placement (and number) language will be added after review by SPPD
3. License holder will require all employees receive training through an accredited program; this includes all employees involved in security matters. Forward completion of this program and/or requirements to DSI as well as acknowledgement agreeing to ensure all pertinent employees, now and in the future, are compliant with such program and/or requirements.

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 16th day of September she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Pat Conroy, Officer
Minnesota Saloon
395 Robert Street North
Saint Paul, MN 55101

Pat Conroy
1544 Furness Parkway
Saint Paul, MN 55119

Paul Bengston, Director
CapitolRiver Council District 17
U.S. Bank Center
101 East 5th Street, Ste. 240
Saint Paul, MN 55101

(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
Julie Kraus

Subscribed and sworn to before me
this 16th day of September, 2014

Rita M. Bossard
Notary Public

