



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 26, 2017

AMENDED NOTICE OF VIOLATION
AND INTENT TO IMPOSE ADDITIONAL LICENSE CONDITIONS

Fitsum Zerai, President
Eritrean Community Center of MN
1935 University Avenue West
St. Paul, MN 55104

RE: Dance or Rental Halls licenses held by Eritrean Community Center of MN d/b/a Eritrean Community Center of MN for the premises located at 1935 University Avenue West in Saint Paul
License ID #: 20070000874

Dear Licensee:

The Department of Safety and Inspections (DSI) has recommended adverse action against the Dance or Rental Halls licenses held by Eritrean Community Center of MN d/b/a Eritrean Community Center of MN for the premises located at 1935 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

On August 7, 2017, a Notice of Violation and Notice of Intent to Impose Additional License Conditions (“Notice”) was sent to you with an August 17, 2017 deadline to respond concerning the following activities:

On July 3, 2017, at approximately 2:54 a.m., Saint Paul Police were dispatched to Eritrean Community Center of MN located at 1935 University Avenue West on an intoxicated person call (CN #17-152-121). When the squads arrived, they observed a large group of people coming and going from the address in what appeared to be a large party. The officers could hear loud music coming from inside the building.

When the officers entered the building, they observed admission was being charged to patrons as they entered the building. The officers met with the security guard who escorted them to the intoxicated male in an area that appeared to be used for dancing and serving alcohol. As the officers spoke to the male, he ordered, purchased and appeared to receive what appeared to be a shot of intoxicating liquor.

Saint Paul Legislative Code § 405.04 (c) states: *“It is unlawful to sell any intoxicating liquor at or in connection with any public dance, and no such dance shall be held or conducted in any room or hall opening into or connected with any place where intoxicating liquors are sold or dispensed.”*

Officer noted that they were dispatched to the same address a second time that night at 4:45 a.m. on a call for disorderly people outside the building. When they arrived the second time, they observed a large crowd of people still outside. When they spoke to the security officers the officers were told alcohol was being served after 2:00 a.m. as a fundraiser. The officers were unable to contact the people in charge of operating the facility.

Saint Paul Legislative Code § 405.04 (d) states: *“No public dance shall be held or conducted between the hours of 12:00 a.m. (midnight) and 6:00 a.m. of any day; provided, that no public dance shall be held or conducted on Sunday during the hours preceding 12:00 noon thereof.”*

In addition, a check of Eventbrite on Social Media indicated that tickets were being sold online for a performance by Bisa Kdei on Friday, July 14, 2017 at the Eritrean Community Center of MN.

On July 15, 2017, at approximately 3:47 a.m., Saint Paul Police conducted a proactive visit at 1935 University Avenue West (CN #17-163-712). When the officers arrived the officers observed numerous open containers of alcoholic beverages being consumed by guests. It also appeared guests were able to move about freely with little to no restrictions to the inside of the building.

At the time of the proactive visit, most of the guests were in the process of leaving but were still allowed to hang out and consume alcohol. While standing near a make-shift bar, the officer observed an exchange of money for alcohol. It appeared to the officers that guests were able to purchase all types of alcohol in addition to being able to bring in their own food and beverages. Officers made that observation due to the fact that there were multiple coolers scattered around the room. The officer did observe security present, but he was clearing the main dance floor and not standing at a post.

On August 23, 2017, DSI staff spoke to someone from Eritrean indicating that management had changed and they just received the Notice so they requested a week extension to respond. An extension was given until September 1, 2017 and you were informed verbally that DSI would be adding two (2) more license conditions for a total of five (5) new license conditions.

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 violation, per Saint Paul Legislative Code § 310.05(m) (2), the licensing office will recommend a \$500.00 matrix penalty. In addition, the licensing office will recommend the following ~~three~~ ~~(3)~~ five (5) new conditions placed on your license:

9. *There shall be no possession or sale of intoxicating alcoholic beverages to anyone on the premises at any time unless a legally registered non-profit conducting a bona-fide fundraising event has first obtained a temporary liquor license authorizing such sales. The City will consider the collection of an entry fee or admission charge or donation collected when alcohol is being served or consumed on the premises to be a sale of alcohol and such sale will be deemed a violation of this condition.*

10. *There shall be no sale; service, consumption, and/or possession of intoxicating alcoholic beverages on the part of underage persons. The licensee shall be subject to adverse license action if a minor is served, sold, consumes or has in his/her possession any alcoholic beverage on the premises.*

11. *The rental and dance hall shall not operate between the hours of 12:00 (midnight) and 6:00 a.m. in compliance with Chapter 405 of the Legislative Code.*

12. *Eritrean Community Center staff will be on duty during all events.*

13. *Eritrean Community Center will update DSI in writing of all officer or management changes with their contact information.*

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 **Tuesday, October 3, 2017**, 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 **Tuesday, October 3, 2017**. 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 **Tuesday, October 3, 2017**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty and three (3) new recommended 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 **Tuesday, October 3, 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 October 3, 2017, I will assume that you do not contest the imposition of the \$500.00 matrix penalty and ~~three (3)~~ five (5) new 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: Fitsum Zerai, 6532 Pheasant Run, Lino Lakes, MN 55104
Melissa Cortes, Community Organizer, Hamline Midway Coalition, 1558 Minnehaha Avenue West
Saint Paul, MN 55104-1264

Attachment: Revised 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

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

Web Site Address: www.stpaul.gov/dsi

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

License #: 20070000874

Type of Business: Dance or Rental Halls
 Restaurant (3) - 13-50 Seats
 Restaurant (A) - 0-12 seats
 Restaurant (B) - more than 12 seats

Applied for by: ERITREAN COMMUNITY CENTER OF MN

Doing Business As: ERITREAN COMMUNITY CENTER OF MN

at: 1935 UNIVERSITY AVE W
 ST PAUL MN 55104

Conditions are as follows:

1. The assembly (rental hall) use is confined to the 3553 square foot space, located in the rear-northern part of the building (see floor plan in address file).
2. Per the arrangement for off-street parking, approved by the zoning administrator, the licensed rental hall activity will only operate on weekends when the community center offices are closed.
3. Licensee shall ensure that members/guest will not park their vehicles on neighboring properties. Member/guest parking shall be on the license premises or on the public street
4. No use of the basement is allowed other than access for service of the building systems. Any future use of the basement or change of use of the front-southern part of the building will require prior approvals of the plans by both the zoning administrator and building official.
5. With each yearly license renewal, the licensee will furnish to the Department of Safety and Inspections (DSI) a list of the current officers, their titles, home addresses, and dates of birth.
6. Licensee shall work with the adjoining property owner at 1919 University on an acceptable design solution and drainage easement, to discharge the licensee's roof drains to 1919 University's property. If mutual agreement on this issue cannot be reached by both parties, the roof drains shall be re-directed to discharge to the licensee's parking lot at the rear of the building before entering the public sewer system. Discharge of stormwater directly on to a public sidewalk is not permitted. The deadline for compliance with this condition is August 1, 2008.
7. The parking lot shall be striped in accordance with the approved site plan, by 8/1/08.
8. The fencing around the parking lot shall be repaired, within 30 days of granting of the license.
Added 8/1/17
9. There shall be no possession or sale of intoxicating alcoholic beverages to anyone on the premises at any time unless a legally registered non-profit conducting a bona-fide fundraising event has first obtained a temporary liquor license authorizing such sales. The City will consider the collection of an entry fee or admission charge or donation collected when alcohol is being served or consumed on the premises to be a sale of alcohol and such sale will be deemed a violation of this condition.
10. There shall be no sale, service, consumption, and/or possession of intoxicating alcoholic beverages on the part of underage persons. The licensee shall be subject to adverse license action if a minor is served, sold, consumes or has in his/her possession any alcoholic beverage on the premises.
11. The rental and dance hall shall not operate between the hours of 12:00 (midnight) and 6:00 a.m. in compliance with Chapter 405. of the Legislative Code.
- 12 Eritrean Community Center staff will be on duty during all events.
13. Eritrean Community Center will update DSI in writing of all officer or management changes with their contact information.

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 26th day of September she served the attached **AMENDED NOTICE OF VIOLATION AND INTENT TO IMPOSE ADDITIONAL LICENSE CONDITIONS** and a correct copy thereof in an envelope addressed as follows:

Fitsum Zerai, President
Eritrean Community Center of MN
1935 University Avenue West
St. Paul, MN 55104

Fitsum Zerai
6532 Pheasant Run
Lino Lakes, MN 55104


Melissa Cortes, Community Organizer
Hamline Midway Coalition
1558 Minnehaha Avenue West
Saint 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 26th day of September, 2017



Notary Public

