



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 2, 2011

NOTICE OF VIOLATION

Jonah Ogamien
508 Snelling Avenue North
St. Paul, MN 55104

RE: Dance or Rental Halls licenses held by Jonah Ogamien d/b/a Jonah Ogamien for the premises located at 508 Snelling Avenue North in Saint Paul
License ID #: 19990005112

Dear Mr. Ogamien:

The Department of Safety and Inspections will recommend that adverse action be taken against the Dance or Rental Halls licenses held by Jonah Ogamien d/b/a Jonah Ogamien for the premises located at 508 Snelling Avenue North in Saint Paul. The basis for the recommendation is based on the following information:

On the night of July 2, 2011, Saint Paul Police were made aware that a private party was taking place at your establishment (CN#11-134-564). The officer notified the security parked in front of the entrance that she could hear loud music coming from the second floor windows. The security officer was cooperative and notified security inside.

At approximately 1:51 a.m., the same officer returned to the area and was driving westbound on Sherburne at Asbury when she observed one or your security officers attempting to break up a fight in the middle of the street. Security officers detained one females and the officer detained the second female involved in the altercation.

The officer called for other squads to help and they arrived just as the party was letting out. There was well over one hundred (100) people leaving the party and a second fight broke out behind the establishment. It took several officers to get the crowd to disperse and many of the patrons were disorderly and swearing at police.

One of the responding officers went upstairs and observed people trying to clean up and dumping out alcohol bottles. A male present told the officer that "we have a permit" and pointed to the City of Saint Paul dance hall license on the wall. The officer told the male they did not have a permit to sell alcohol. There were two females in the back room trying to dump out alcoholic beverages; the officer asked them to leave.

The original responding officer decided to go inside the establishment to take pictures. As soon she got inside she smelled an odor of marijuana strong enough to give her a headache. Inside the establishment she observed plastic cups on the floor and a beer can on a table. When the officer walked toward the rear of the building near the rear exit, she observed two laundry tubs with melted ice and one empty bottle of wine in the tub. The officer also observed a cash tray with card playing chips inside, a tip jar, a large cooler, several bottles of liquor, a shot glass, and several empty liquor bottles in the trash, a wine opener and an ashtray.

Both the officer taking photographs and a second officer observed Mr. Ogiamien surreptitiously take down a piece of tag board from the front of the bar area and hide it near the DJ booth. The officer walked over to that area and found it was a drink menu written in black magic marker that had been taped up to allow patrons to order drinks.

The original officer then went outside and spoke to the security officer. He told the officer that he was in charge of the outside and a separate security was hired for the inside. If there were issues inside, the patron was brought outside for him to deal with. He also told the officer that Mr. Ogiamien were there the entire evening and he was the person he called regarding the loud music earlier in the evening.

That officer then spoke to the cashier at the front door who checked identification as patrons entered. She claimed that everyone [rovided valid identification showing they were twenty-one (21) years of age before entering, except for a few friends she knew.

The officer went out to her vehicle and spoke with the detained female in the back of the squad. She told the officer that she got into a fight with the female patron because she hit her twin sister who she was dating. She also told the officer that she and four (4) other girls went to your establishment, paid the \$5.00 cover and were served alcohol without having their ID's checked at the door. She told the officer she was twenty (20) years old but did not have any identification with her. The officer spoke to two of the other females in the group who told the officer neither of them were asked to show identification at the door and they were served alcohol.

Finally, the officer then spoke with the other underage female involved in the altercation that was determined to be seventeen (17) years old. As she spoke to the officer she used vulgar language and was screaming and crying uncontrollably. The officer observed she slurred her words and had a strong odor of alcohol on her breath. She was taken to Regions Hospital because she was intoxicated and did not have a guardian located in the area to come and get her. She was cited for Disorderly Conduct and Underage Consumption.

These are violations to Saint Paul Legislative Code § 405.04 (b) and(c) and Saint Paul Legislative Code § 310.06 (b) (7). Due to the number and significance of the violations cited during this incident, per Saint Paul Legislative Code §310.05(m) (2) the licensing office will recommend a \$1,000.00 matrix penalty and request the following license conditions:

1. *Licensee shall close by 12 midnight every night.*
2. *Alcohol will not be sold at the establishment.*
3. *Rental shall be for private parties only. Public dances are not permitted at this location.*


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

1. If you wish to admit to the violation and you do not contest the penalty you can pay the \$1,000.00 matrix penalty and agreed to the license conditions listed. You can send the payment to the Department of Safety and Inspections (DSI) located at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, September 12, 2011**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 matrix penalty and agreeing to the license conditions listed will be considered 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 **Monday, September 12, 2011**. 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 and 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 **Monday, September 12, 2011**. 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

If you have not contacted me by Monday, September 12, 2011, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty and 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,



Kyle Lundgren
Assistant City Attorney

cc: Christine Rozek, Deputy Director of DSI
Jonah Ogiamien, 3437 Fairfax Lane, Woodbury, MN 55129
Faith Krogstad, Community Organizer, Hamline Midway Coalition, 1564 Lafond Avenue
St. Paul, MN 55104-1832

STATE OF MINNESOTA)
) ss.)

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

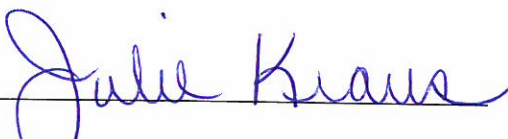
Julie Kraus, being first duly sworn, deposes and says that on the 2nd day of September she served the attached the **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Jonah Ogamien
508 Snelling Avenue North
St. Paul, MN 55104

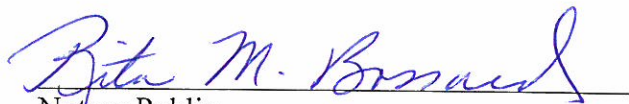
Jonah Ogamien
3437 Fairfax Lane
Woodbury, MN 55129

Faith Krogstad, Community Organizer
Hamline Midway Coalition
1564 Lafond Avenue
St. Paul, MN 55104-1832

(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 2nd day of September, 2011


Notary Public

