



chestnut cambronne  
ATTORNEYS AT LAW

Jeffrey C. O'Brien  
Minneapolis Office  
Direct Dial: (612) 336-1298  
[jobrien@chestnutcambronne.com](mailto:jobrien@chestnutcambronne.com)

Chestnut Cambronne PA

17 Washington Avenue North  
Suite 300  
Minneapolis, MN 55401-2048  
T: 612.339.7300  
F: 612.336.2940

[www.chestnutcambronne.com](http://www.chestnutcambronne.com)

June 9, 2017

VIA EMAIL ([therese.skarda@ci.stpaul.mn.us](mailto:therese.skarda@ci.stpaul.mn.us)) AND U.S. MAIL

Ms. Therese Skarda  
Assistant City Attorney  
City of St. Paul  
Civil Division  
400 City Hall  
15 West Kellogg Blvd.  
St. Paul, MN 55102

Re: Midway Enterprises, LTD d/b/a Hot Rods Bar & Grill/1553 University Avenue  
West, St. Paul, MN  
License ID #: 0016294  
Our File No. 20170397.000

Dear Ms. Skarda:

As you know, I represent Midway Enterprises, LTD d/b/a Hot Rods Bar & Grill ("Hot Rods"). Please include me on any future communications and correspondence regarding this licensee.

I am in receipt of the Notice of Violation dated June 1, 2017, wherein several violations are claimed relative to the conditions previously imposed against my client in December 2016. Please be advised that my client is contesting the penalty contained within the Notice.

As an initial matter, I question the premise for the Saint Paul Police's visit to my client's business on April 1, 2017. In talking with neighboring bar owners, apparently the SPPD did not visit any of them at 10:00 pm on April 1, 2017 searching for a missing three year old child. While we are not contesting this allegation, we do find it a bit curious that such an important search would only extend to one establishment on the block.

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CITY ATTORNEY

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In regards to the April 3, 2017 allegations, could you please clarify what a "proactive visit" means and under what circumstances that the SPPD determines that a proactive visit is necessary.

In regards to the substantive violations, you are likely aware of the meeting that occurred on Tuesday, May 9, 2017 between Mr. Bigaouette and myself on behalf of Hot Rods, Eric Hudak and Kristina Schweinler of DSI, and Sergeant Rob Stanway and Sergeant Michael Dunaski of the SPPD. During that meeting, we reviewed the video and surveillance plan that Mr. Bigaouette had prepared prior to the December 2016 City Council public hearing which, if you will recall, I attempted to provide to you following the close of said hearing. You indicated that you would provide me with contact information for the liaison officer which was never received and now we find that failure to submit the plan for review is being used against my client as an additional violation.

Please also be advised that following our May 9 meeting, Mr. Hudak was kind enough to connect me with Sergeant Stanway who, to my knowledge, has since met with Mr. Bigaouette, reviewed the plan and found it to be acceptable. Sergeant Stanway has also, to my knowledge, had an opportunity to review Mr. Bigaouette's new laptop computer setup which allows him to monitor the cameras in his bar at all times, and provides the ability to provide the SPPD with the recorded footage they desire and which is required per the license conditions.

As to the alleged violations regarding security personnel, we also discussed the security situation at the May 9 meeting. Sergeants Stanway and Dunaski and Ms. Schweinler strongly advised Mr. Bigaouette to speak with the owners of Johnny Baby's as to the security company which they use, and indicated a belief that the company was licensed and bonded. Mr. Bigaouette did heed their advice and had those conversations, but has since learned that the company which patrols Johnny Baby's is not licensed and bonded. Mr. Bigaouette has instead hired CPG Security Group as of June 7, 2017. CPG is a licensed and bonded security company with significant experience in the hospitality industry. CPG will be providing security at Hot Rods Friday through Sunday, and Hot Rods' existing security staff will work Monday through Thursday. Mr. Bigaouette will be providing CPG with a copy of the license conditions so that CPG knows what is required of them.

In short, my client has taken proactive steps in the past month to address each and every one of the noted violations. We felt that we had a very productive meeting with DSI and the SPPD on May 9 and were told that, contrary to our assumptions, DSI "did

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not want" my client's license. Mr. Hudak stressed DSI sought to work with Mr. Bigaouette to bring the bar into compliance and alleviate any security concerns which DSI and/or the SPPD may have. It is our position that in the weeks following that meeting, we have made progress on that front.

On a related matter, Mr. Bigaouette has informed me of an incident which occurred on May 30, 2017. An individual entered Hot Rods and proceeded to the men's bathroom. Mr. Bigaouette informed this individual that Hot Rods' restrooms were not public restrooms but instead were for customers only, and asked the individual to leave. Hot Rods' security cameras subsequently caught this individual along with others, drinking and playing loud music in the parking lot across the alley from Hot Rods. The cameras show an officer arriving on site but never leaving the squad car. I cannot help but wonder, given the numerous undercover sting operations and proactive visits to my client's establishment since August 2016 if the officer would have been more "proactive" had the individuals been congregating on the other side of the alley; i.e., immediately behind Hot Rods, and whether that would have been used as an additional violation.

My client believes that it has taken numerous positive and productive steps in the past month to provide a safer environment in and around its business. To that end, we ask that the City not impose the matrix penalty given that the issues addressed in the violations have been resolved, and given that my client continues to work with DSI and the SPPD to address their respective concerns.

Please contact me to discuss this matter further.

Sincerely,  
**CHESTNUT CAMBRONNE PA**



Jeffrey C. O'Brien

cc: Dean Bigaouette, Midway Enterprises, LTD. (via email and mail)  
Tony Chesak, Executive Director, Minnesota Licensed Beverage Association (via email)  
Lou Raguse, KARE 11 News (via email)