

OFFICE OF THE CITY ATTORNEY

Lyndsey M. Olson, City Attorney



CITY OF SAINT PAUL

Mayor Melvin Carter

Civil Division
400 City Hall and Court House
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Saint Paul, Minnesota 55102

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May 18, 2018

NOTICE OF VIOLATION

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

RE: Gambling Location, Liquor On Sale-Sunday, Entertainment (A), Liquor On Sale 100 seats or less and Liquor-Outdoor Service Area (Patio) 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(s):

The Department of Safety and Inspections (DSI) will recommend adverse action against the Gambling Location, Liquor On Sale-Sunday, Entertainment (A), Liquor On Sale 100 seats or less and Liquor-Outdoor Service Area (Patio) 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 May 15, 2018, at approximately 11:30 a.m., a Saint Paul Police Video Technician came to 1537 University Avenue West in order to obtain video surveillance concerning an aggravated assault that occurred at the licensed premises (CN #18-098-773).

The video technician was told by two employees there were issues with the two DVR's. One of the DVR's had all the outside cameras that are shared with the building owner and one upstairs they did not know much about. The DVR upstairs, where the inside cameras record to, was also not functioning. The video technician did some troubleshooting and called the manufacturer who told him to pull the hard drive to see if it would reboot. He advised the employees present that the DVR was not functioning and they needed to figure out a way to get the inside cameras working as soon as possible.

The video technician stated that it sounded like the DVR had not been recording for quite a while.

Failure to maintain video surveillance in working order and failure to provide video surveillance to Saint Paul Police immediately upon request is a violation of license condition #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 Inspection for review and approval. In accordance with the approved Video Surveillance Plan, licensee will ensure that video surveillance cameras are installed by December 31, 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 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.”*

As a result of this license condition violation, per Saint Paul Legislative Code §310.05 (m) (1) the licensing office will recommend a \$500.00 matrix penalty.

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, May 29, 2018**, I will presume that you have chosen not to contest the proposed adverse action and the matter will be placed on the next available City Council Agenda for approval of the proposed remedy.
2. You can pay the \$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 **Tuesday, May 29, 2018**. A self-addressed envelope is enclosed for your convenience. Payment of the \$500.00 matrix penalty 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 no later than **Tuesday, May 29, 2018**. The matter will then be scheduled before the City Council to determine whether to impose the \$500.00 matrix penalty. 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, May 29, 2018**. 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).

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If you have not contacted me by Tuesday, May 29, 2018, I will assume that you do not contest the imposition of the \$500.00 matrix penalty. In that case, the matter will be placed on the next available City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these four (4) options, please contact Julie Kraus, my Legal Assistant at (651) 266-8776.

Sincerely,

A handwritten signature in black ink that reads "Therese Skarda" followed by a stylized monogram "JSK".

Therese Skarda
Assistant Saint Paul City Attorney
License No.: 024989

Cc: David Imsdahl, 661 Mackubin Street, St. Paul, MN 55103
Michael Krenik, 1263 Sherburne Avenue, St. Paul, MN 55104