Final Amended License Conditions Imposed by City Council Resolution

1. License holder will employ directional bass, sound absorption measures, and other noise controls to minimize the noise from inside the establishment from disturbing the neighborhood. This condition will be reviewed no or after June 30, 2008, and is subject to change if the measures employed by the license holder are not effective.

2. The license holder is responsible for the behavior of all persons on the licensed premises, which includes persons in the parking lot and all parking lots available to patrons via a parking agreement. The license holder shall provide security as necessary to patrol the exterior of the premises until all persons have left the premises and associated parking lots. License holder or security shall immediately notify police by calling “911” of any individuals observed by staff and reasonably believed to be engaging in unlawful or suspected unlawful behavior, including loitering and all incidents involving physical altercation between any parties within the premises and associated parking lots.

The Licensee, employee, or security personnel would reasonably conclude that a person is loitering if the person is repeatedly attempting to engage passersby in conversation, attempting to stop motor vehicles, acting in a furtive manner or acting suspiciously, or can be seen giving or receiving small items, bags, or money to or from more than one person over any length of time.

3. The license holder will not allow anyone under the age of 21 to enter or remain inside the establishment after 9:00 p.m. except in accordance with Minnesota Statute 340A.503(4). There shall be no event for patrons who are under 21 years of age that does not comply with city code or state law.

4. The license holder and all employees will undergo a yearly Alcohol Awareness Training Program through an agency approved by the Dept. of Safety and Inspections (“DSI”) and all new employees shall be required to undergo training within 4 weeks of starting employment. License holder shall have proof of each employee who has completed this training, which shall be available to DSI upon request.

5. Paul P. Xiong and Mai T. Xiong cannot be employees or have managerial responsibilities at the club, nor have any financial interest in the corporation holding the liquor license.

6. License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded videos. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, license holder shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.

7. Security personnel shall be assigned to each entrance when the number of patrons reaches 100 or more starting at 9:00 p.m. every day, and security personnel shall remain until all patrons have left the licensed premises, which includes the parking lots. When all patrons have left the building, the security personnel may assist in parking lots. License holder shall enforce a no picture identification/no entrance policy at all time security staff are required. Customers re-entering establishment for any reason shall be subjected to the same security measures as customers entering the establishment for the first time. If security staff are required, security staff are in addition to bartenders, servers and cooks.

8. Litter must be removed daily from the establishment property and all associated parking lots owned by and/or under the contractual or other agreed-upon control of the license holder for use of its employees and customers. Bottles will not be dumped outside between the hours of 10 p.m. and 8 a.m.

9. License holder shall ensure that patrons are able to exit the establishment and parking lots safely and without obstructing traffic. If necessary, license holder shall institute a gradual closing process that allows patrons to leave the establishment without creating a traffic hazard that requires the police to barricade the street, stop traffic, or use other measures in order for patrons to safely leave the premises.

10. Windows of the establishment shall be kept closed after 8 p.m. Exterior doors shall not be propped open after 8 p.m. except to temporarily accommodate entry or exit from the establishment.

11. License holder agreed that a metal detector or wand may be required in the future following any violence or criminal behavior regardless of whether that incident(s) leads to adverse action.

12. No patrons shall be admitted into the establishment 30 minutes prior to the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment.

13. License holder must end all alcoholic beverages sales 15 minutes prior to the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment. License holder must ensure that no person is in possession of an alcoholic beverage, and all beverage containers, glasses, cups, cans and bottles are removed from all tabletops, counters, bars and all other customer accessible surface areas no later than the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment.

14. All security staff must be actively employed by the holder of an active Protective Agent Services license issued by the Minnesota Department of Public Safety.

Strikethrough Version proposed in Exhibit #6, City Attorney's Office Response Letter to Objections Received

1. License holder will employ directional bass, sound absorption measures, and other noise controls to minimize the noise from inside the establishment from disturbing the neighborhood. This condition will be reviewed no or after June 30, 2008, and is subject to change if the measures employed by the license holder are not effective.

2. The license holder is responsible for the behavior of all persons on the licensed premises, which includes persons in the parking lot and all parking lots available to patrons via a parking agreement. The license holder shall provide security as necessary to patrol the exterior of the premises until all persons have left the premises and associated parking lots. License holder or security shall immediately notify police by calling "911" of any individuals observed by staff and reasonably believed to be engaging in unlawful or suspected unlawful behavior, including loitering and all incidents involving physical altercation between any parties within the premises and associated parking lots.

The Licensee, employee, or security personnel would reasonably conclude that a person is loitering if the person is repeatedly attempting to engage passersby in conversation, attempting to stop motor vehicles, acting in a furtive manner or acting suspiciously, or can be seen giving or receiving small items, bags, or money to or from more than one person over any length of time.

3. The license holder will not allow anyone under the age of 21 to enter or remain inside the establishment after 9:00 p.m. except in accordance with Minnesota Statute 340A.503(4). There shall be no event for patrons who are under 21 years of age that does not comply with city code or state law.

4. The license holder and all employees will undergo a yearly Alcohol Awareness Training Program through an agency approved by the Dept. of Safety and Inspections ("DSI") and all new employees shall be required to undergo training within 4 weeks of starting employment. License holder shall have proof of each employee who has completed this training, which shall be available to DSI upon request.

5. Paul P. Xiong and Mai T. Xiong cannot be employees or have managerial responsibilities at the club, nor have any financial interest in the corporation holding the liquor license.

6. License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded videos. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, license holder shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.

7. Security personnel shall be assigned to each entrance when the number of patrons reaches 100 or more starting at 9:00 p.m. every day, and security personnel shall remain until all patrons have left the licensed premises, which includes the parking lots. When all patrons have left the building, the security personnel may assist in parking lots. ~~Regardless of whether security is required,~~ L~~l~~icense holder shall enforce a no picture identification/no entrance policy at all time security staff are required. Customers re-entering establishment for any reason shall be subjected to the same security measures as customers entering the establishment for the first time. If security staff ar~~es~~ required, security staff are in addition to bartenders, servers and cooks.

8. Litter must be removed daily from the establishment property and all associated parking lots owned by and/or under the contractual or other agreed-upon control of the license holder for use of its employees and customers ~~daily~~. Bottles will not be dumped outside between the hours of 10 p.m. and 8 a.m.

9. License holder shall ensure that patrons are able to exit the establishment and parking lots safely and without obstructing traffic. If necessary, license holder shall institute a gradual closing process that allows patrons to leave the establishment without creating a traffic hazard that requires the police to barricade the street, stop traffic, or use other measures in order for patrons to safely leave the premises.

10. Windows of the establishment shall be kept closed after 8 p.m. Exterior doors shall not be propped open after 8 p.m. except to temporarily accommodate entry or exit from the establishment.

11. License holder agreed that a metal detector or wand may be required in the future following any violence or criminal behavior regardless of whether that incident(s) leads to adverse action.

12. No patrons shall be admitted into the establishment 30 minutes prior to the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment.

13. License holder must end all alcoholic beverages sales 15 minutes prior to the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment. License holder must ensure that no person is in possession of an alcoholic beverage, and all beverage containers, glasses, cups, cans and bottles are removed from all tabletops, counters, bars and all other customer accessible surface areas no later than the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment.

14. All security staff must be actively employed by the holder of an active Protective Agent Services license issued by the Minnesota Department of Public Safety.

Strikethrough Version proposed in Exhibit #1, Notice of Violation and Request for Imposition of Matrix Penalty and Amended Conditions

1. Licensee~~e~~ holder will employ directional bass, sound absorption measures, and other noise controls to minimize the noise from inside the establishment from disturbing the neighborhood. This condition will be reviewed on or after June 30, 2008, and is subject to change, if the measures employed by the licensee~~e~~ holder are not effective.

2. The license holder is responsible for the behavior of all persons on the licensed premises, which includes persons in the parking lot and all parking lots available to patrons via a parking agreement. The license holder shall provide security as necessary to patrol the exterior of the premises until all persons have left the premises and associated parking lots. License holder or security shall immediately notify police by calling "911" of any individuals engaging in unlawful or suspected unlawful behavior, including loitering.

~~3. Prior to reopening of the establishment, the licensee will meet with DSI to review the license conditions. Additional Conditions:~~

3. The license holder will not allow anyone under the age of 21 to enter or remain inside the establishment after 9:00 p.m. except in accordance with Minnesota statute 340A.503(4). There shall be no event for patrons who are under 21 years of age that does not comply with city code or state law.

4. The licensee~~e~~ holder and all employees will undergo a yearly Alcohol Awareness Training Program through an agency approved by the Dept. of Safety and Inspections ("DSI") and all new employees shall be required to undergo training within 4 weeks of starting employment. Licensee~~e~~ holder shall have proof of each employee who has completed this training, which shall be available to DSI upon request.

5. Paul P. Xiong and Mai T. Xiong cannot be employees or have managerial responsibilities at the club, nor have any financial interest in the corporation holding the liquor license.

6. ~~The licensee shall provide and maintain working video surveillance cameras covering the premises and recorders on the premises in accordance with SPPD recommendations regarding camera angles and resolution. Tapes/recordings must be maintained for a minimum of 30 days and make them available within 24 hours to the St. Paul Police Dept. and or the Dept. of Safety and Inspections upon request.~~ License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder will ensure that

video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded videos. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, license holder shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.

7. Security personnel shall be assigned to each entrance when the number of patrons reaches 100 or more starting at 9:00 p.m. every day, and security personnel shall remain until all patrons have left the licensed premises, which includes the parking lots. When all patrons have left the building, the security personnel may assist in parking lots. Regardless of whether security is required, licensee holder shall enforce a no picture identification/no entry policy issue identification cards (no picture ID, no entrance). Customers re-entering establishment for any reason shall be subjected to the same security measures as customers entering the establishment for the first time. If security staff are required, security staff are in addition to bartenders, servers and cooks.

8. Litter must be removed from the Club establishment property and associated parking lots daily. Bottles will not be dumped outside between the hours of 10 p.m. and 8 a.m.

9. Licensee holder shall insure that patrons are able to exit the establishment and parking lots safely and without obstructing traffic. If necessary, licensee holder shall institute a gradual closing process that allows patrons to leave the establishment without creating a traffic hazard that requires the police to barricade the street, stop traffic, or use other measures in order for patrons to safely leave the premises.

10. Windows of the establishment shall be kept closed after 8 p.m. Exterior doors shall not be propped open after 8 p.m. except to temporarily accommodate entry or exit from the establishment.

11. Licensee holder agrees that a metal detector or wand may be required in the future following any violence or criminal behavior regardless of whether that incident(s) leads to adverse action.

12. No patrons shall be admitted into the establishment 30 minutes prior to the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment.

13. License holder must end all alcoholic beverages sales 15 minutes prior to the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment. License holder must ensure that no person is in possession of an alcoholic beverage, and all beverage containers, glasses, cups, cans and bottles are removed from all tabletops, counters, bars and all other customer accessible surface areas no later than the end time of alcohol sales and consumption as allowed under the active liquor licenses issued to the establishment.

14. All security staff must be actively employed by the holder of an active Protective Agent Services license issued by the Minnesota Department of Public Safety.