

LICENSE HEARING MINUTES
Khai Hoan Billiard, 2422 University Avenue West
Thursday, March 24, 2011, 2:00 p.m.
330 City Hall, 15 Kellogg Boulevard West
Nhia Vang, Deputy Legislative Hearing Officer

The hearing was called to order at 2:15 p.m.

Staff Present: Larry Zangs, Department of Safety and Inspections (DSI)

Applicant: Huong Ly, owner

Others present: Michael Hatting, Exeter Realty, representing Chittenden & Eastman LLC, 2402 University Avenue W

Khai Hoan Billiard: Pool & Billiard Hall, and Retail Fd (A) – Grocery 1-100 sq ft

Ms. Vang stated that this was an informal legislative hearing for a license application. This particular license required a Class N notification which means the neighborhood was notified and people had the chance to voice their concerns. The City received two letters of concern. There were three possible results from this hearing: 1) she may recommend that the City Council issue this license without any conditions; 2) she may recommend that the City Council issue this license with agreed upon conditions; or 3) she may recommend that the City Council not issue this license but refer it to the city attorney to take an adverse action on the application, which could involve review by an administrative law judge. The applicant will be required to sign a Conditions Affidavit demonstrating the understanding of the conditions.

DSI staff will explain their review of the application and state their recommendation. Ms. Vang will then ask the applicant to talk about the business plan. At the end of the hearing, she will make a recommendation for the City Council to consider. Her recommendation will be on the Consent Agenda; the City Council is the final authority on whether the license is approved or denied.

Mr. Zangs stated that DSI recommends approval of the license with the following conditions:

1. The parking lot must be kept free of litter.
2. Management must call the police to report problems.
3. There shall be no weapons on the premises at any time, and the licensee shall observe the same restrictions regarding weapons as liquor establishments, as contained in paragraph 409.06(o) of the Saint Paul Legislative Code.
4. The licensee shall prominently post signage at all entrances stating the operator bans guns in these premises per Minnesota State Statute Section 624.714 Subd.17, or other applicable regulations.
5. No gang colors shall be allowed to be worn by the patrons on the licensed premises. Signs shall be posted to this effect and the licensee shall consult with the Saint Paul Police Department (SPPD) to determine how to identify gang colors.
6. Adequate lighting for the rear parking lot must be maintained.
7. The licensee shall make sure that there are no minors present in the establishment in violation of Saint Paul curfew restrictions, and shall prominently post signage at all entrances stating "IT'S THE LAW! City of Saint Paul Curfew for Juveniles - Age 14 or

- younger Home by 10 p.m. (Fri. & Sat. by 11 p.m.) - Age 15, 16, 17 Home by 12 a.m. Midnight"
8. No smoking is permitted in this establishment.
 9. The licensee shall not keep, possess or operate, or permit the keeping, possession or operation of any gambling device or apparatus, nor permit any gambling on the licensed premises. Cards, gaming tables, dice or other games of chance are prohibited from being set-up, used, and/or kept on the licensed premises (City Ordinance Section 270.02).
 10. No alcohol (intoxicating and/or non-intoxicating) shall be on the premises at any time.
 11. The licensee shall limit food offerings to those items which are specifically approved by City of Saint Paul Environmental Health based on City Ordinance Chapter 331A and applicable State Statutes.
 12. The licensee acknowledges that under Section 322.03 of the Saint Paul Legislative Code this establishment shall be closed between the hours of 12 a.m. (midnight) and 7 a.m.
 13. The license holder shall maintain video surveillance cameras inside and outside the establishment in accordance with SPPD recommendations. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the SPPD immediately upon request. In addition, if the SPPD responds to a call at the licensed premises, and due to the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have technology available to make the copy at the time of the request and shall have it for the police without delay. In other cases, if the SPPD or the Department of Safety and Inspections (DSI) requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies.
 14. The licensee agrees to have the number of cameras, their placement, the recording quality, and lighting supporting the video surveillance system reviewed by the SPPD prior to issuance of any license. Video surveillance equipment (i.e., cameras, recording equipment, lighting, etc.) installation and/or modification(s) shall be completed in accordance with SPPD recommendations by December 31, 2011.

Mr. Zangs explained that originally, the first 12 conditions were on the license and numbers 13 and 14 were added so that the new owner would work with the police department on the placement of video cameras. They also needed to understand the necessity of retaining the videos for a required amount of time so that in the case of any criminal activities which may occur on the premises, they can provide evidence for the prosecution of such crimes. He said that the district council did not provide any recommendation concerning the license application.

Ms. Vang asked Ms. Ly whether she had read the conditions and whether she understood them as violations could result in revocation of her license. Ms. Ly responded that she understood the conditions and agreed to everything that was required. Ms. Vang asked Ms. Ly to explain her business plan: what were her hours of operation; whether she had run a similar business in the past; whether she had a business partner or employees, etc. Ms. Ly responded that she had never previously operated a billiard business; however, she had owned a restaurant. Her current hours of operation were Monday through Thursday, noon to 9 pm, and Friday through Sunday, noon to 10 pm. She currently did not have anyone else assisting her with the operation of her business other than her fiancé who helped her in the evenings. She had been operating the business since October and did not have any problems with the patrons of the establishment.

Ms. Vang asked Ms. Ly whether she had met with the district council, talked to the police department concerning crime prevention measures, and whether she had any relationship with the

previous owner. Ms. Ly responded that she had not met with the district council or talked to the police department. She said she had been a long-time friend with the previous owner which was how she acquired the business. Ms. Vang encouraged her to introduce herself to the district council as they played an important role to the residents and businesses in the neighborhood.

Ms. Vang asked Mr. Zangs whether there had been any violations of the license conditions or adverse action taken against the previous owner. Mr. Zangs responded that there had been violations against the license conditions including smoking, consumption of alcohol, and gambling which resulted in a \$2,000 fine and a 10-day closure of the business.

Ms. Vang inquired about the condition concerning the environmental health review and asked whether food was going to be sold. Mr. Zangs responded that originally there was a retail food license which was required for selling pop, chips, candy, or other packaged food items. When the health inspector went to the property, the owner was selling a coffee drink which required preparation; this would require an upgrade in the license. Since that time, the owner has agreed to discontinue selling the coffee drink and will only sell pre-packaged food items.

Ms. Vang invited Mr. Hatting to testify. Mr. Hatting referred to the comments made in his letter contesting the issuance of the license dated March 4, 2011. He said he had not realized the license was for a new owner and given the past problems, he asked what procedure would be necessary for filing complaints. Mr. Zangs responded that the police department should be contacted concerning any violations of a critical nature and/or DSI should be contacted with any complaints against the establishment. DSI would only take action against the license if complaints could be substantiated. He then explained the penalty matrix and the procedure for revoking the license.

Ms. Vang stated that she will recommend to the City Council that they approve the license with the conditions proposed by DSI pending final review by the City's health inspector.

The hearing adjourned at 2:50 p.m.

The Conditions Affidavit was submitted on March 2, 2011. A revised Conditions Affidavit was submitted on March 21, 2012, modifying condition #11 to clarify what type of food service was allowed under the Retail Food Grocery A license and condition #14 was eliminated because applicant is already in compliance.