City Hall and Court House
15 West Kellogg Boulevard
Phone: 651-266-8560

File Number: RES 11-297

Memorializing City Council action taken on February 2, 2010 sustaining adverse licensing action against all licenses held by Mazatlan d/b/a Mazatlan located at 567 Stryker Avenue in the City of Saint Paul.

WHEREAS, Mazatlan, LLC d/b/a Mazatlan (License ID # 20070001948) (hereinafter licensee) located at 567 Stryker Avenue in Saint Paul received a Notice of Violation dated September 16, 2010 (hereinafter First Notice) and a Notice of Violation dated September 22, 2010 (hereinafter Second Notice); and

WHEREAS, the First Notice alleged that on June 28, 2010 licensee allowed the after hours display and consumption of alcoholic beverages; and

WHEREAS, the Second Notice alleged a violation of license condition number five which requires that

Security personnel shall be assigned to each entrance starting at 9:00 p.m. and remain until all patrons have left the licensed premises, which include the parking lots. Security personnel shall wand (using a metal detector) each patron and check all handbags and packages carried by patrons. Security personnel shall verify the age of patrons by checking state or federally issued identification cards (no picture I.D., no entrance). Customers re-entering the establishment shall be subject to the same security measures as customers entering the establishment for the first time.

and

WHEREAS, licensee denied all the allegations and requested a hearing before an Administrative Law Judge; and

WHEREAS, a hearing was held before an Administrative Law Judge on November 9, 2010, at which each party was represented by Counsel and presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on December 17, 2010, in which the Administrative Law Judge issued Findings of Fact, Conclusions of Law, a Recommendation and a Memorandum; and

WHEREAS, the Administrative Law Judge found that there was sufficient proof that licensee had committed the violation in the Second Notice, but that there was insufficient proof that licensee had committed the violation in the First Notice; and

WHEREAS, the Administrative Law Judge also found that a fine of $1,000.00 is an appropriate sanction under the circumstances; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on February 2, 2011 at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee did not file any exceptions to the report of the Administrative Law Judge; and

WHEREAS, at a public hearing on February 2, 2010, Council File # PH11-3, the Council of the City of Saint Paul considered all the evidence contained in the record, the arguments of licensees attorney at the public hearing, the Administrative Law Judges Findings of Fact, Conclusions of Law, and Recommendations; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul issues this decision based upon consideration of the record of the entire proceedings herein, including the hearing before the Administrative Law Judge, all the documents and exhibits introduced therein, the Findings of Fact, Conclusions of Law and Recommendation as referenced above, and the deliberations of the council in open session of that hearing; and be it

FURTHER RESOLVED, that a fine of $1,000.00 is imposed against all licenses held by Mazatlan, LLC d/b/a Mazatlan (License ID # 20070001948) ; and be it

FURTHER RESOLVED that the $1,000.00 fine be paid within 30 days of the passage and approval of this resolution; and be it

FINALLY RESOLVED, that the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge in this matter are hereby adopted as the Findings and Conclusions of the City Council in this matter.

A copy of this resolution, as adopted, shall be sent by first class mail to the Administrative Law Judge and to the license holder.

At a meeting of the City Council on 2/16/2011, this resolution was adopted.

Yea: 6 Councilmember Bostrom, Councilmember Carter III, Councilmember Harris, Councilmember Helgen, City Council President Lantry, and Councilmember Thune

Nay: 0

Absent: 1 Councilmember Stark

Vote Attested by Council Secretary Trudy Moloney **Date** 2/16/2011

Approved by the Mayor Chris Coleman **Date** 2/16/2011