



CITY OF SAINT PAUL

Christopher B. Coleman, Mayor

Civil Division

400 City Hall

15 West Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: 651 266-8710

Facsimile: 651 298-5619

November 5, 2015

NOTICE OF VIOLATION

Jonathan Lopez, President
Louie's Bar
883 Payne Avenue
St. Paul, MN 55130

RE: All licenses held by the Eastsiders Bar, Inc. d/b/a Louie's Bar for the premises located at 883 Payne Avenue in Saint Paul
License ID #: 20120005867

Dear Licensee:

The Department of Safety and Inspections will recommend adverse action against all licenses held by Eastsiders Bar, Inc. d/b/a Louie's Bar for the premises located at 883 Payne Avenue in Saint Paul. The basis for the recommendation is based on the following information:

On September 20, 2015, at approximately 10:00 a.m., Saint Paul Police were called to your licensed premises on a fight call (CN #15-203-587). When the officers arrived they cleared the outside parking lot and went inside to do a premise check. They observed a wanted party sitting at a booth. When the officers came over and asked his name, he gave them a false name and then stated he had a Texas ID but it was not on him at the time.

Allowing patrons to enter the bar without proper identification is a violation of license condition #5: *"Adherence to strict identification requirements: Licensee will require proper picture identification from anyone who appears to be younger than 30 years old. Those without proper identification shall be denied entrance."*

On October 7, 2015, at approximately 9:30 p.m., Saint Paul Police came into your establishment and requested to see video surveillance of a drug-related incident that just took place outside the bar (CN #15-218-003). The officers were told by the manager that she was unable to play back the video but could get them a copy the next day.

On October 11, 2015 at approximately 12:30 a.m., Saint Paul Police were called to your establishment concerning an assault inside the bar (CN #15-220-442). When the officer asked if there was video surveillance of the bar available, he was told the manager had access to the video and was not currently on the premises. The officer was told the video would be recovered in the morning when the manager came into work and she would call when it was available.

On October 21, 2015, at approximately 10:30 p.m., Saint Paul Police came to establishment to follow-up on an assault that had occurred earlier that evening and view any relevant video surveillance (CN #15-228-474). The officer spoke to a security guard who told them he was not on the premises when the incident occurred. The officer then spoke with a bartender and asked if he could view the video surveillance. The officer was told that he did not have access to the video surveillance. When he called the manager, he was told she would obtain the video for the officer in the morning.

To date, none of the requested video has been provided to the Saint Paul Police Department.

Failure to provide video surveillance access to Saint Paul Police is a violation of license condition #2: "The license holder shall maintain video surveillance cameras inside and outside the establishment. The video recordings shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Dept. immediately upon request. In addition, if the Saint Paul Police Dept. responds to a call at the licensed premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, the license holder shall have the 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 Dept. of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies."

As a result of these violations, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing office will recommend a \$1,000.00 matrix penalty.

At this time, you have four (4) options on how 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 **Monday, November 16, 2015**, I will presume that you have chosen not to contest the proposed adverse action, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.
2. You can pay the recommended \$1,000.00 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 **Monday, November 16, 2015**. A self-addressed envelope is enclosed for your convenience. Payment of the \$1,000.00 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. I will need to receive your letter by **Monday, November 16, 2015**. The matter will then be scheduled before the City Council for a public hearing to determine whether to impose the \$1,000.00 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 **Monday, November 16, 2015**. 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).

If you have not contacted me or DSI by Monday, November 16, 2015, I will assume that you do not contest the imposition of the \$1,000.00 matrix penalty. In that case, the matter will be placed on the City Council Consent Agenda for approval of the recommended penalty.

If you have questions about these options, please feel free to contact me at 266-8710.

Sincerely,


Geoffrey Karls
Assistant City Attorney

cc: Dan Niziolek, Deputy Director of DSI
Jonathan Lopez, 1225 Bradley Street, St. Paul, MN 55130
Leslie McMurray, Executive Director, Payne Phalen District 5 Planning Council, 506 Kenny Road, Ste. 130
St. Paul, MN 55130
Maxfel LLC, 977 Payne Avenue, St. Paul, MN 55130-3901

AFFIRMATIVE ACTION EQUAL OPPORTUNITY EMPLOYER

STATE OF MINNESOTA)
) ss.

AFFIDAVIT OF SERVICE BY U.S. MAIL

COUNTY OF RAMSEY)

Julie Kraus, being first duly sworn, deposes and says that on the 5th day of November she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

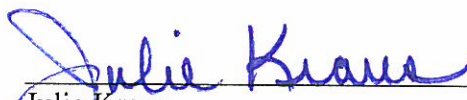
Jonathan Lopez, President
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St. Paul, MN 55130

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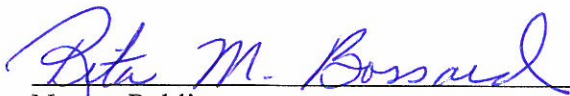
Leslie McMurray, Executive Director
Payne Phalen District 5 Planning Council
506 Kenny Road, Ste. 130
St. Paul, MN 55130

Maxfel, LLC
997 Payne Avenue
St. Paul, MN 55130-3901

(which is the last known address of said person) depositing the same, with postage prepaid, in the United States mail at St. Paul, Minnesota.


Julie Kraus

Subscribed and sworn to before me
this 5th day of November, 2015


Notary Public

