OFFICE OF THE CITY ATTORNEY
Samuel J. Clark, City Attorney

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

July 1, 2015

NOTICE OF VIOLATION

Arnellia Allen, President
Arnellia's
1183 University Avenue West
Saint Paul, MN 55104

RE: All licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's for the premises located at 1183 University Avenue West in Saint Paul.
License ID #: 0054523

Dear Ms. Allen:

The Department of Safety and Inspections (DSI) has recommended adverse action all licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's for the premises located at 1183 University Avenue West in Saint Paul. The basis for the recommendation is as follows:

On June 6, 2015, Saint Paul Police were called to your establishment regarding shots fired (CN #15-116-435). When the officer arrived, he requested to see the video surveillance of the incident. He was told by the employee working that night he did not know how to view it and the officer would need to contact his brother Jerry but he was not here at the time.

On June 11, 2015, Sergeant Aguirre, from the Saint Paul Police Department, contacted Jerry Allen to request video surveillance from 8:00 p.m. on June 6, 2015 to 4:00 a.m. on June 7, 2015. He requested the video be provided to him within forty-eight (48) hours.

On June 15, 2015, Sergeant Aguirre received a call from Jerry Allen stating that he was dropping off the requested video surveillance to the St. Paul Police Department. On June 18, 2015, Sergeant Aguirre viewed the video surveillance and found it incomplete. The video provided was approximately two (2) hours long covering 11:35 p.m. on June 6, 2015 to 1:35 a.m. on June 7, 2015. The video did not cover the time frame when the shots fired incident occurred. Later that day, Sergeant Aguirre called Jerry Allen and left a message stating that he had not provided the required video surveillance for the times and dates requested.

On June 19, 2015, Sergeant Aguirre called Jerry Allen again stating that the video surveillance he provided was not complete and he needed video surveillance for the times and dates he requested on June 11, 2015. Jerry told him that he would get the required video and call him when it was complete.

On June 26, 2015, Sergeant Aguirre received an email stating that the video had been dropped off at the front desk by Jerry Allen. He recovered six (6) DVD's. When he checked the DVD's he was unable to view them. Five (5) of the DVD's had no information on them and the sixth (6th) DVD had a video from 2011.

Failure to provide required video surveillance is a violation of license condition #12: *"The licensee holder shall maintain 10 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 license premises, and due to the serious nature of the crime, requests that a copy of the surveillance footage be immediately provided, the licensee 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 Saint Paul Police Dept. 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 this violation, per Saint Paul Legislative Code § 310.05 (m) (1), the licensing department 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 **Monday, July 13, 2015,** I will presume that you have chosen not to contest the proposed adverse, and the matter will be placed on the City Council Agenda for approval of the proposed remedy.

2. You can pay the recommended $500.00 matrix penalty. If this is your choice, you should send the payment directly to the Department of Safety and Inspections, at 375 Jackson Street, Ste. 220, St. Paul, Minnesota 55101-1806 no later than **Monday, July 13, 2015.** 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. I will need to receive your letter by **Monday, July 13, 2015.** The matter will then be scheduled before the City Council for a public hearing 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 **Monday, July 13, 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, July 13, 2015, 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 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, DSI Deputy Director
Arnellia Allen, 1595 Sandhurst Drive East, Maplewood, MN 55109
Michael Jon Olson, Executive Director, Hamline Midway Coalition, 1558 Minnehaha Avenue West
St. Paul, MN 55104-1264

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE BY U.S. MAIL

Julie Kraus, being first duly sworn, deposes and says that on the 1st day of July she served the attached **NOTICE OF VIOLATION** and correct copy thereof in an envelope addressed as follows:

Arnellia Allen, President
Arnellia's
1183 University Avenue West
Saint Paul, MN 55104

Arnellia Allen
1595 Sandhurst Drive East
Maplewood, MN 55109

Michael Jon Olson, Executive Director
Hamline Midway Coalition
1558 Minnehaha Avenue West
St. Paul, MN 55104-1264

(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

Julie Kraus

Subscribed and sworn to before me
this 1st day of July, 2015

Rita M. Bossard
Notary Public

RITA M. BOSSARD
NOTARY PUBLIC - MINNESOTA
My Commission Expires
January 31, 2020