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 8, 2016

NOTICE OF VIOLATION

Arnellia Allen, President
Jerry Allen, Manager
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 Licensee:

The Department of Safety and Inspections will recommend adverse action against 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 based on the following information:

On June 2, 2016, at approximately 2:00 p.m. Saint Paul Police conducted a liquor compliance check at Arnellia's located at 1183 University Avenue West (CN #16-128-583). The officers used under-aged checkers who carried valid Minnesota picture ID's with "Under 21" clearly printed above their pictures.

When the under-age checkers entered your establishment, they sat at the bar and ordered two (2) cans of Colt 45 beer. The checker notified the officers that a sale of alcohol was in progress and when the officers entered the bar, they observed both checkers sitting at the bar with a 12 ounce can of Colt 45 in front of them. The checkers told the officers that after a few minutes of waiting at the bar, a male came over to the bar from the kitchen. The checkers order the beer and were each given a can of Colt 45 which they paid for and received change back.

One of the officers identified himself to the male behind the bar and he acknowledged he sold them the beer and had checked their ID's. He stated that he was not to blame because he works in the kitchen and was not the regular bartender. He said he only sold the beer because management did not schedule a bartender and he was not going to pay the fine because he was not the bartender. He then stated it was it was the owner's fault and they should pay.

Sale of alcohol to an underage person is a violation of Minn. Stat. § 340A.503, Subd. 2 (1) and Saint Paul Legislative Code § 409.08 (2) (a); therefore, per Saint Paul Legislative Code § 409.26 (b) (3) the licensing office will recommend a $500.00 matrix penalty.

At this time, you have four (4) options 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, July 18, 2016** 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 $500.00 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, July 18, 2016.** 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 18, 2016.** 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 18, 2016.** 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 by Monday, July 18, 2016, 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: Eric Hudak, DSI Licensing Manager
Arnellia Allen, 1595 Sandhurst Drive East, Maplewood, MN 55109-3635
Michael Jon Olson, Executive Director, Hamline Midway Coalition, 1558 W. Minnehaha Avenue, St. Paul, MN 55104

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 8th day of July she served the attached **NOTICE OF VIOLATION** and a correct copy thereof in an envelope addressed as follows:

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

Arnellia Allen
1595 Sandhurst Drive East
Maplewood, MN 55109-3635

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

(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 8th day of July, 2016

Notary Public

JOAN E. RICHARDSON
Minnesota
Commission Expires Jan 31, 2020