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

CITY OF SAINT PAUL
Mayor Christopher B. Coleman

Civil Division
400 City Hall
15 West Kellogg Blvd
Saint Paul, Minnesota 55102

Telephone: (651) 266-8710
Facsimile: (651) 298-5619

February 1, 2017

Mr. William Tilton
Tilton & Dunn, PLLP
U.S. Bank Center
101 East 5th Street, #2220
St. Paul, MN 55101

RE: The Matter of All Licenses Held by Metro Bar & Grill, Inc., d/b/a Arnellia's for the premises located at
1183 University Avenue West
License ID #: 0054523
OAH File No. 65-6020-34080

Dear Mr. Tilton:

As per our telephone conversation on January 26, 2017, attached is the Settlement Agreement we discussed. Please sign and date the agreement and return it to me. A public hearing will be scheduled at the earliest convenience and you will be notified of the date as soon as possible.

If you have any questions, please do not hesitate to call me.

Sincerely,

Therese Skarda
Assistant City Attorney
(651) 266-8755

TAS/jk

Attachment: Arnellia's Settlement Agreement

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ARNELLIA'S SETTLEMENT AGREEMENT

1. Metro Bar & Grill, Inc., d/b/a Arnellia's admits to a violation of license condition #12 of their license which reads:

"The license holder shall maintain 10 video surveillance cameras inside and outside the establishment. The video recording 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 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, fi 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."

2. Metro Bar & Grill, Inc., d/b/a Arnellia's admits that the Saint Paul Police Department requested the video on November 8, 2016 in conjunction with an assault that had taken place on November 4, 2016 and that they were unable to provide the video within the required 48 hour period.

3. Metro Bar & Grill, Inc., d/b/a Arnellia's understands that this is the third (3rd) violation within the past eighteen (18) months; therefore, per Saint Paul Legislative Code §310.05 (m) (2), the licensing department was recommending a $2,000 matrix penalty and a ten (10) day suspension of the license.

4. As a proposed resolution of this matter, the City of Saint Paul had agreed to recommend that the dollar amount of the matrix penalty be reduced from $2,000 to $500 and allow Metro Bar & Grill, Inc., d/b/a Arnellia's to pick the starting date for the suspension period, that date being within 2 months of the council hearing.

5. Metro Bar & Grill, Inc., d/b/a Arnellia's understands that the payment of the matrix penalty combined with the 10 day suspension is considered a third violation under Saint Paul Legislative Code, §310.05.

6. Metro Bar & Grill, Inc., d/b/a Arnellia's and the City of Saint Paul agree that the pre-hearing conference be stricken and that there will be no administrative hearing in this matter.

William Tilton
Attorney for licensee

Therese Skarda
Attorney for Department of Safety and Inspections

Date

2/1/17
Date

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 February she served the attached **LETTER AND SETTLEMENT AGREEMENT** and a correct copy thereof in an envelope addressed as follows:

Mr. William Tilton
Tilton & Dunn, PLLP
U.S. Bank Center
101 East 5th Street, #2220
St. Paul, MN 55101

(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 1st day of February, 2017

Notary Public

SUSAN M. OESTERREICH
Notary Public-Minnesota
My Commission Expires Jan 31, 2020