

# SUPPLEMENTAL OFFENSE / INCIDENT REPORT

Complaint Number      Reference CN

Date and Time of Report

18039132

03/09/2018 13:14:00

Primary offense:

**AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC**

Primary Reporting Officer: Stanway, Robert A

Name of location/business:

Primary squad: 854

Location of incident: 1626 WHITEBEAR AV N

Secondary reporting officer:

ST PAUL, MN 55106

Approver: Stanway, Robert

District: Eastern

Date & time of occurrence: 03/09/2018 13:14:00 to

Site:

03/09/2018 13:14:00

Arrest made:

Secondary offense:

Police Officer Assaulted or Injured:

Police Officer Assisted Suicide:

Crime Scene Processed:

## OFFENSE DETAILS

**AGG ASSAULT-W/REVOLVERS,PISTOLS,SHOTGUN,ETC**

Attempt Only:

Appears to be Gang Related:

## SOLVABILITY FACTORS

Suspect can be Identified:

By:

Photos Taken:

Stolen Property Traceable:

Evidence Turned In:

Property Turned In:

Related Incident:

Lab

Biological Analysis:

Fingerprints Taken:

Narcotic Analysis:

Items Fingerprinted:

Lab Comments:

## Participants:

Person Type:

Name:

Address:

Phone:

## NARRATIVE

I Sgt. Stanway am assigned to DSI.

On 02-27-18, DSI requested the surveillance video from the Bamboo Hut in relation to this incident. The letter

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sent to the owner (Tzianeng Vang) requested a copy of all recordings from 2100 hours on 2-23-18 to 0100 hours on 2-24-18.

On 03-02-18 a thumb drive was dropped off at DSI. Licensing Manager Eric Hudak and myself viewed the video for license violations.

Upon viewing, we found the time stamp display was inaccurate one hour later than the actual time. This was determined by comparing the time of the ECC call (0033 hours) against the time displayed on the video when the riot took place (0132 hours). This discrepancy in addition to the manager on duty, identified as Teng Ly, 12-21-78, 1157 N. Ferndale Street, Maplewood, MN 55119 admittedly being unable to immediately provide a copy of the recording to responding officers on the date of the incident are both violations of condition #6 which states in part:

"In accordance with the approved video surveillance plan, licensee will ensure that video surveillance camera system is in good working order, ensure it is recording 24 hours per day, ensure it can produce recorded surveillance video in a commonly used, up-to-date format, and ensure that accurate date and time of day are visible on all recorded video. Licensee will retain recorded surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, licensee shall make surveillance video immediately available for viewing by SPPD. If a copy of the surveillance video for a serious incident is requested by SPPD, Licensee shall have the technology, materials and staff available to immediately make the copy."

The video also showed the vast majority of customers standing, many consuming alcohol, while the majority of dining tables and seating areas were not utilized. Additional observations included customers being served alcohol past 0000 hours and seen remaining inside past 0030 hours.

The above observations are violations of license conditions #1, #2 and #3 which state:

1. Licensee agrees to operate the establishment in compliance with Section 409.02 of the City of Saint Paul Legislative Code as a "Restaurant".
2. Licensee agrees to close the establishment at 12:00 a.m. midnight. All patron/customers shall vacate the premises by 12:30 a.m. each day of the week as per Section 409.02 of the City of Saint Paul Legislative Code.
3. The sale, service, consumption, and/or display of alcohol is limited to the seating area shown on the plans dated 07/17/2017 and submitted with the application, which is the area having an address number of 1626. No sale, service, consumption, and/or display of alcohol is permitted in the space having an address number of 1624, which is immediately adjacent to and south of the 1626 numbered space.

The video also showed what appears to be a wait person delivering a case of bottled beer to a customer's table and customers then removing the bottles from the box and consuming them. Additionally, customers are also seen at the same table taking bottles of liquor and pouring their own shots and/or drinks and not being served by wait staff. This is in violation of St. Paul Legislative Code 409.02 which states:

On-sale shall mean the sale of liquor by the glass for consumption on the premises only.

NOTE: Responding officers on scene spoke to current manager Teng Ly. According to DSI, Teng Ly was a previous co-owner of the establishment (Red Wok) who was to have no involvement in the current operations

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of the restaurant due to past problems/incidents at the location. This is confirmed by a signed letter dated July 18, 2017 by the current license holder, Tzianeng Vang of the Bamboo Hut which DSI holds on file.

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### PUBLIC NARRATIVE

DSI Investigation. Numerous condition violations observed on surveillance video.

Last page of the report