



Legislation Details (With Text)

File #: RES 23-1261 **Version:** 1
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In control: City Council
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Title: Approving adverse action against the Liquor On Sale-291 or more seats; Liquor On Sale-Sunday; Liquor Outdoor Service Area (Sidewalk); Liquor On Sale-2AM Closing; Gambling Location and Entertainment (A) licenses held by New Bohemia St. Paul, LLC d/b/a New Bohemia & Bier Haus/Truck Yard (License ID 20160003866) for the premises located at 222 Seventh Street West.

Sponsors: Rebecca Noecker

Indexes:

Code sections:

Attachments: 1. New Bohemia & Bier Haus - Truck Yard Notice of Adverse Action - Imposition of license condition with attachments

Date	Ver.	Action By	Action	Result
9/8/2023	1	Mayor's Office	Signed	
9/6/2023	1	City Council	Adopted	Pass

Approving adverse action against the Liquor On Sale-291 or more seats; Liquor On Sale-Sunday; Liquor Outdoor Service Area (Sidewalk); Liquor On Sale-2AM Closing; Gambling Location and Entertainment (A) licenses held by New Bohemia St. Paul, LLC d/b/a New Bohemia & Bier Haus/Truck Yard (License ID 20160003866) for the premises located at 222 Seventh Street West.

WHEREAS, the Liquor On Sale-291 or more seats; Liquor On Sale-Sunday; Liquor Outdoor Service Area (Sidewalk); Liquor On Sale-2AM Closing; Gambling Location and Entertainment (A) licenses held by New Bohemia St. Paul, LLC d/b/a New Bohemia & Bier Haus/Truck Yard (License ID 20160003866) for the premises located at 222-7th Street West ("Licensed Premises") were the subject of a Notice Of Adverse Action And Request For Imposition Of A License Condition, herein incorporated as ("Notice") sent July 26, 2023; and

WHEREAS, the Notice stated that Saint Paul Police investigated a number of serious incidents that led the Department of Safety and Inspections to recommend imposition of a license condition requiring a video surveillance and lighting plan; and

WHEREAS, the Notice described the following serious incidents which are SPPD calls in which SPPD and DSI believed that security cameras and property lighting would have assisted both the business/property owner in improving patron and workplace safety, deterring crime and assisting law enforcement investigation in identifying suspects and solving crimes:

- On June 10, 2021, St. Paul Police were responding to a noise complaint in another area of the city, and while in route to the call, they drove past 214 7th Street West (Truck Park Bar) and observed several people out front arguing and the argument become physical. Officers noted that the dispute was escalating and not breaking up. Officers then heard a crash of a glass bottle and observed two males fighting. Officers witnessed one male chasing another male. When the officers walked the path where they last saw the males running approximately one-half (1/2) block down they saw two males tucked into a corner near the bar doorway. They observed one of the males holding the other in a "Ju Jitsu style clinch" to maintain control. Officers noted one of the males was bleeding heavily from his face and down his chest at a fairly significant rate. Officers separated the two parties from fighting and called for medical attention.

The other male ran from the scene but was located later. Officers determined through victim and witness statements that the male who ran had struck the other male with a glass bottle. Officers placed the male suspect under arrest for Felony Aggravated Assault and transported him to the Law Enforcement Center (LEC) for booking. (CN 21-114-151)

- On August 15, 2021, St. Paul Police were working the West 7th Street Area Action Plan Detail and were flagged down in front of 214 7th Street West (Truck Park Bar) for a person bleeding from the back. Officers attempted interview the victim, but he was unable to provide information as to the circumstances of what happened. Officers also checked the immediate area but were unable to locate any witnesses, or a suspect. Officers further investigated by checking the area for evidence of a crime scene and also to include video evidence from a nearby business with negative results. Medics arrived and treated the victim for a single stab wound and transported him to the hospital. Investigators were unable to identify any suspects in this case. (CN 21-168-607)

- On August 16, 2021, St. Paul Police were dispatched to Regions Hospital to speak to a victim of an assault that occurred at 214 7th Street West (Truck Park Bar) around midnight on August 14, 2021. Officers spoke with the victim who stated they were at the Truck Park Bar earlier in the evening having drinks with a friend. The victim reported that their friend may have left when they were confronted by a male suspect who accused the victim of taking their drink. The victim reported that male suspect then ordered the victim to replace the drink and purchase a new one. The victim stated the conversation escalated but they did not intend to fight the suspect. The victim reported the male suspect then began to physically assault them by punching them in the head and face. The victim also reported a second suspect also began punching them, causing them to fall to the ground and subsequently breaking the victim's leg. The victim stated the fight was then broken up by staff and an ambulance responded and transported the victim to the hospital. Police Investigators were unable to identify any suspects in this case. (CN 21-169-169)

- On September 19, 2021, St. Paul Police took an assault report over the phone that had occurred at 214 7th Street (Truck Park Bar) at approximately 0:100 hours on September 18, 2021. The victim reported getting into an argument with two other females suspects, after accidentally entering an unlocked bathroom door, where the suspects were located. The victim stated she attempted to apologize but the suspects did not accept the apology and the argument escalated. The victim admitted that she threw a glass of water in the direction of one of the suspects and they then began to physically assault her. The victim reported being punched in the face repeatedly by both suspects causing her to fall to the ground. According to the victim, staff intervened and broke up the altercation. The victim stated that there were numerous witnesses to the assault but had not thought to report it to police until later. The victim also reported sustaining numerous injuries as a result of the assault. St. Paul Police attempted to retrieve video from the location of the incident but incorrectly dated footage (8/14/2021) was provided by the business. Police attempted to get the correct footage but were told by the business that the video was no longer available due to the retention period lapsing. It should be noted that no calls were placed by staff to report the incident or request police to respond at the time of the incident on September 18, 2021. St. Paul Investigators were unable to identify any suspects in this case. (CN 21-196-476)

- On October 10, 2021, at approximately 00:17 hours St. Paul Police were sent to 214 7th Street West (Truck Park Bar) on a report of shots fired. Officers arrived on scene and learned multiple people had been injured by gunfire. One victim was critically injured. St. Paul Police investigated the case, and several suspects were later identified. Three (3) suspects have been criminally prosecuted and another

suspect is awaiting trial. (CN 21-212-281)

- On April 17, 2022, at approximately 20:18 hours, St. Paul Police responded to a Disorderly Orderly Conduct that occurred at 214 7th Street West (Truck Park Bar). At the time of the incident, there were several St. Pau Police Officers nearby that were working a traffic detail related to an Xcel Energy Center event. The officers working the detail observed an intoxicated male, who was bleeding from the mouth being removed by security from the Truck Park Bar. Officers attempted to investigate further by approaching the male. The male subject became hostile and refused to follow directions given by the officers and begin to make assaultive statements towards the officers. The male then became combative and was subsequently taken into custody. Officers later spoke to security who had earlier witnessed the intoxicated male suspect inside the business trying to withdraw cash from an ATM. The suspect reportedly became belligerent and began kicking and pushing the ATM machine. When security attempted to remove the suspect, he attempted to throw a punch at them and then fell into the side of a parked car outside the business. The male was later arrested for Obstructing Legal Process and transported to the Law Enforcement Center (LEC) for booking. (CN 22-065-195)
- On October 22, 2022, at approximately 22:49 hours, St. Paul Police were dispatched to 214 7th Street West (Truck Park Bar) for an assault. Officers were advised that a manager had been punched by an unknown suspect, after attempting to get a group to leave. The suspect fled from the scene prior to the officer's arrival. No arrests were made at the time. Police Investigators were unable to identify any suspects in this case. (CN 22-197-535)
- On October 28, 2022, at approximately 23:57 hours, St. Paul Police responded to 214 7th Street West (Truck Park Bar) for a report of a fight. Upon their arrival, two individuals were seen on the sidewalk in front of the business, engaged in a physical altercation. The responding officer separated the two individuals, one of which was bleeding from the forehead. Officers spoke with the other involved patrons who also reported sustain minor injuries during the incident prior to the officer's arrival. Officers were unable to determine a primary aggressor at the time and a report was taken to document the incident. St. Paul Investigators were unable to identify any suspects in this case. (CN 22-200-854)
- On December 17, 2022, at approximately 01:42 hours, St. Paul Police responded to 214 7th Street West (Truck Park Bar) on a report of an assault. Officers spoke with an intoxicated male who report he was outside on the sidewalk with a friend when he got into a verbal altercation with security. The male reported the security had punched him in the face. Officers attempted to gain further information from the male victim, but he refused to answer any further questions. St. Paul Investigators were unable to identify any suspects or recover physical evidence in this case.(CN 22-230-610)

WHEREAS, Saint Paul Legislative Code §310.04(c) allows for the imposition of license conditions and/or restrictions upon a license when a reasonable basis is found to impose reasonable conditions; and

WHEREAS, the Department asserts that facts, including the incident reports included in this resolution support their recommendation for imposition of a license condition; and

WHEREAS, the Department believes that the recommended condition is reasonable and that it will promote public health, safety and welfare, advance the public peace and aid in the elimination of conditions or actions that constitute a nuisance or are a detriment to the peaceful enjoyment of urban life and promote security and

safety in nearby neighborhoods; and

WHEREAS, the Notice stated that if the Licensee failed to sign and return the License Condition Affidavit, request a Council or administrative hearing by August 7, 2023, that the matter would be placed on the next available consent agenda to impose the recommended penalty; and

WHEREAS, the Licensee did not sign and return the License Condition Affidavit or request a Council or administrative hearing by August 7, 2023; now therefore be it

RESOLVED, the Council finds that pursuant to Saint Paul Legislative Code §310.04(c) the incident reports detailed in this resolution forms a reasonable basis to impose the license condition; and be it further

RESOLVED, that the Council finds that the condition is reasonable; and be it finally

RESOLVED, that the following license condition will be imposed on the Liquor On Sale-291 or more seats; Liquor On Sale-Sunday; Liquor Outdoor Service Area (Sidewalk); Liquor On Sale-2AM Closing; Gambling Location and Entertainment (A) licenses held by New Bohemia St. Paul, LLC d/b/a New Bohemia & Bier Haus/Truck Yard (License ID 20160003866) for the premises located at 222-7th Street West in Saint Paul:

License holder will create a video surveillance camera and lighting placement plan (video surveillance plan) for the interior and exterior of the licensed premises. License holder will submit the video surveillance plan to the Saint Paul Police Department (SPPD) liaison with the Department of Safety and Inspection (DSI) for review and approval. In accordance with the approved video surveillance plan, license holder 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. License holder will retain surveillance video for a minimum of thirty (30) days. If an incident is deemed serious by SPPD, License holder 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, license holder shall have the technology, materials and staff available to immediately make the copy. In all other cases, license holder shall provide a copy of the surveillance video to the requestor within 48 hours.