



## Legislation Text

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**File #:** RES 15-1919, **Version:** 1

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Sustaining adverse licensing action against the application of The Lex, Inc., d/b/a The Lex for the premises located at 976 Concordia Avenue in Saint Paul.

WHEREAS, The Lex, Inc., d/b/a The Lex (License ID #20140003433) (hereinafter "Applicant") filed an application for a Liquor On-Sale - Club Under 200 Members - "A" License on November 24, 2014; and

WHEREAS, Applicant received a Notice of Intent to Deny License dated March 30, 2015 (hereinafter "Notice"); and

WHEREAS, the Notice alleged that the proposed location of the licensed premises, 976 Concordia Avenue, is not eligible for an On-Sale Club license, as it is not located downtown, or in a commercial development district; and

WHEREAS, the Notice stated that the licensing office recommended denial of the application; and

WHEREAS, Applicant denied the allegations and requested a hearing before an Administrative Law Judge; and

WHEREAS, a Notice of Administrative Hearing was sent to all parties on May 12, 2015; and

WHEREAS, the parties requested summary disposition at a hearing held on July 30, 2015; and

WHEREAS, the Administrative Law Judge issued her Findings of Fact, Conclusions of Law and Recommendation on August 31, 2015, granting summary disposition in favor of the City; and

WHEREAS, the Administrative Law Judge then recommended the City of Saint Paul deny Applicant's application; and

WHEREAS, the Department of Safety and Inspections agrees with the Findings of Fact, Conclusions of Law and Recommendation submitted by the Administrative Judge and denial of Applicant's application; and

WHEREAS, the licensee was sent a Notice of Council Hearing on September 3, 2015; stating a public hearing would be held before the City Council on October 21, 2015, at which time licensee would have an opportunity to present oral or written arguments to the Council; and

WHEREAS, City Council reviewed the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommendation and found the report to be without error and the recommendation appropriate, now therefore be it

RESOLVED, the Findings of Fact issued by the Administrative Law Judge on August 31, 2015, are hereby adopted as the Findings of Fact of the City Council in this matter and be incorporated herein by reference.

FURTHER RESOLVED, the Conclusions of Law issued by the Administrative Law Judge on August 31, 2015, are hereby adopted as the Conclusions of Law of the City Council in this matter and be incorporated herein by reference.

FURTHER RESOLVED, the Recommendation issued by the Administrative Law Judge on August 31, 2015, is hereby adopted as the determination of the City Council in this matter and be incorporated herein by reference.

FINALLY RESOLVED, that the license application of The Lex, Inc., d/b/a The Lex, for a Liquor On-Sale - Club Under 200 Members - "A" License at 976 Concordia Avenue is denied.

A copy of this resolution, as adopted, shall be sent by first class mail to the Administrative Law Judge and to the Applicant.