



## Legislation Text

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**File #:** RES 17-643, **Version:** 1

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Sustaining adverse action against all licenses held by Midway Enterprises, LTD, d/b/a Hot Rods Bar & Grill at 1533 University Avenue West.

WHEREAS, Dean Bigaouette ("Licensee"), Midway Enterprises, LTD d/b/a Hot Rods Bar & Grill (License ID #0016294) located at 1553 University Avenue West in Saint Paul received a Notice of Violation dated December 22, 2016; and

WHEREAS, the Notice alleged that on October 20, 2016 at approximately 2:00 a.m. Saint Paul Police were at the establishment conducting surveillance to stop a known wanted party on a warrant and observed the suspect leave the bar with a white cup approximately one hour after closing time in violation of Saint Paul Legislative Code 409.08(9); and

WHEREAS, the Notice also alleged that when officers stopped the known wanted person they learned that the white cup contained an alcoholic beverage in violation of §409.08(15); and

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

WHEREAS, a hearing was held before an Administrative Law Judge on February 22, 2017, at which each party was represented by Counsel and presented testimony and the City offered exhibits; and

WHEREAS, a Report was issued on March 22, 2017, in which the Administrative Law Judge issued Findings of Fact, Conclusions of Law, a Recommendation and a Memorandum; and

WHEREAS, the Administrative Law Judge concluded that there was sufficient proof of the alleged violations; and

WHEREAS, the Administrative Law Judge also found that the presumptive penalty of \$1,000 requested by the City was an appropriate sanction under the circumstances; and

WHEREAS, at a public hearing on April 5, 2017 the Council of the City of Saint Paul considered all the evidence contained in the record, the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations, and the oral arguments of the City presented before the Council, and licensee did not appear; now, therefore, be it

RESOLVED, that the Council of the City of Saint Paul issues this decision based upon consideration of the record of the entire proceedings herein, including the hearings before the Administrative Law Judge on February 22, 2017, all the documents and exhibits introduced therein, the Findings of Fact, Conclusions of Law, Recommendation and Memorandum as referenced above and the deliberations of the Council in open session of that hearing; and be it

FURTHER RESOLVED, that the Findings of Fact, Conclusions of Law, Recommendation and Memorandum of the Administrative Law Judge in this matter are hereby adopted as the Findings and Conclusions of the City Council in this matter; and be it

FURTHER RESOLVED, that the penalty matrix in St. Paul Leg. Code § 310.05 and § 409.26 is appropriate; and be it

FINALLY RESOLVED, that a \$1,000 matrix penalty is imposed against all licenses held by Dean Bigaouette ("Licensee"), Midway Enterprises, LTD d/b/a Hot Rods Bar & Grill (License ID # 0016294) effective upon passage and signature of this resolution pursuant to Chapter 6 of the Saint Paul City Charter for the reasons set forth above and contained in the record.

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