



Legislation Text

File #: RES 12-20, **Version:** 2

Memorializing City Council action taken on December 21, 2011 sustaining adverse licensing action against all licenses held by Jonah Ogiamien d/b/a Jonah Ogiamien located at 508 Snelling Avenue North.

WHEREAS, Jonah Ogiamien d/b/a Jonah Ogiamien (License ID # 19990005112) (hereinafter "licensee") located at 508 Snelling Avenue North in Saint Paul received a Notice of Violation dated September 2, 2011; and

WHEREAS, the Notice alleged that on July 2, 2011 the licensee allowed someone under the age of eighteen (18) to be present without permission or presence of a parent or guardian, in violation of Saint Paul Legislative Code § 405.04(b) and allowed intoxicating liquor to be sold at his establishment in violation of Saint Paul Legislative Codes §§ 405.04(c) and 409.01(a); and

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

WHEREAS, licensee subsequently received a second Notice of Violation dated September 13, 2011; and

WHEREAS, the second Notice alleged that on August 19, 2011 the licensee allowed intoxicating liquor to be sold at his establishment in violation of Saint Paul Legislative Codes §§ 405.04(c) and 409.01(a); and

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

WHEREAS, the two separate allegations each constitute separate appearances before the Council but have been consolidated for purposes of convenience; and

WHEREAS, a combined hearing addressing all of the above-referenced allegations was held before an Administrative Law Judge on November 2, 2011, at which each party presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on December 1, 2011, in which the Administrative Law Judge issued Findings of Fact, Conclusions of Law, a Recommendation and a Memorandum; and

WHEREAS, the Administrative Law Judge found that there was sufficient proof that licensee had committed the violations in the September 2, 2011 Notice of Violation; and

WHEREAS, the Administrative Law Judge also found that there was sufficient proof that licensee had committed the violations in the September 13, 2011 Notice of Violation; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on December 21, 2011 at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee did not file any exceptions to the report of the Administrative Law Judge; and

WHEREAS, at a public hearing on December 21, 2011, Council File # PH 11-34, the Council of the City of Saint Paul considered all the evidence contained in the record, the arguments of licensee at the public hearing, the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommendations; 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 hearing before the Administrative Law Judge, all the documents and exhibits introduced therein, the Findings of Fact, Conclusions of Law and Recommendation as

referenced above, and the deliberations of the council in open session of that hearing; and be it

FURTHER RESOLVED, that deviation from the penalty matrix in Saint Paul Legislative Code § 310.05(m) is appropriate in the July 2, 2011 violation due to the presence of substantial and compelling reasons, the first being that a seventeen-year-old was allowed to enter licensee's hall and was provided alcohol which led to her extreme inebriation, and the second being the licensee's attempts to conceal evidence of the sale of intoxicating liquor from police; and

FURTHER RESOLVED, that a fine of \$1,000.00 is imposed against all licenses held by Jonah Ogamien d/b/a Jonah Ogamien for the July 2, 2011 violation; and be it

FURTHER RESOLVED, that an additional fine of \$1,000 is imposed against all licenses held by Jonah Ogamien d/b/a Jonah Ogamien for the August 19, 2011 violation; and be it

FURTHER RESOLVED, that the two fines be paid within 30 days of the passage and approval of this resolution; and be it

FURTHER RESOLVED, that in addition to any already existing license conditions, the following three license conditions are hereby placed on all licenses effective upon passage and approval of this resolution:

1. Licensee shall close by 12 midnight every night.
2. Alcohol will not be sold at the establishment.
3. Rental shall be for private parties only. Public dances are not permitted at this location;

and

FURTHER RESOLVED, that the current license condition which allows licensee to close at 2:00 a.m. on Friday and Saturday is rescinded effective upon passage and approval of this resolution; and

FINALLY RESOLVED, that the Findings of Fact, Conclusions of Law, and Recommendation of the Administrative Law Judge in this matter are hereby adopted as amended as the Findings and Conclusions of the City Council in this matter.

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