Legislation Details (With Text)

File #:	RES 11-2530 **Version:** 1		
Type:	Resolution	**Status:**	Passed
		In control:	City Council
		Final action:	12/21/2011
Title:	Memorializing City Council action taken on December 7, 2011 sustaining adverse licensing action against all licenses held by Axmed S. Cali, d/b/a Iftiin Hookah Lounge, 2418 University Avenue.		
Sponsors:	Russ Stark		
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Attachments:			

Date	Ver.	Action By	Action	Result
12/29/2011	1	Mayor's Office	Signed	
12/21/2011	1	City Council	Adopted	Pass

Memorializing City Council action taken on December 7, 2011 sustaining adverse licensing action against all licenses held by Axmed S. Cali, d/b/a Iftiin Hookah Lounge, 2418 University Avenue.

WHEREAS, Axmed S. Cali d/b/a Iftiin Hookah Lounge (License ID # 20090003176) located at 2418 University Avenue in Saint Paul received a Notice of Violation dated April 19, 2011; and

WHEREAS, the Notice alleged that the licensee was open at 2:50 a.m. on April 10, 2011 in violation of condition number six; and

WHEREAS, license condition number six requires that "[T]he establishment shall close no later than 2 a.m. every day and all patrons shall leave the establishment no later than 2 a.m. every day. The establishment shall open no earlier than 8 a.m. everyday"; and

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

WHEREAS, licensee subsequently received a second Notice of Violation dated September 2, 2011; and

WHEREAS, the second Notice alleged that on July 1, 2011, at approximately 11:30 p.m. licensee had over 100 people inside the establishment, in violation of license condition number one; and

WHEREAS, license condition number one requires that "[T]he number of patrons and employees inside the establishment shall be limited to 52 in compliance with fire regulations"; and

WHEREAS, the second Notice also alleged that on the same date and time licensee had no one stationed at the front or back entrances to verify the age of patrons as they entered, in violation of condition number two; and

WHEREAS license condition number two requires that "[N]o one under the age of 18 shall be permitted inside the establishment. The establishment shall verify the age of all patrons using government issued identification"; and

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WHEREAS, the second Notice also alleged that on the same date and time music coming from inside the establishment was audible in the alleyway outside of the building, in violation of condition number five; and

WHEREAS, license condition number five requires that "[M]usic inside the establishment shall not be audible on the exterior of the premises"; and

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

WHEREAS, a hearing was held before an Administrative Law Judge on October 13, 2011, at which each party presented testimony; and

WHEREAS, the Administrative Law Judge issued a Report on November 10, 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 violation in the April 19, 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 2, 2011 Notice of Violation; and

WHEREAS, the Administrative Law Judge also found that the recommendation by the Department of Safety and Inspections of revocation of all licenses held by licensee was consistent with the penalty matrix in Chapter 310 of the Legislative Code; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on December 7, 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 7, 2011, Council File # PH 11-31, 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, Recommendations and Memorandum; 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, 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 and Conclusions of Law 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 and are incorporated herein by reference; and be it

FURTHER RESOLVED, that all licenses held by Axmed S. Cali d/b/a Iftiin Hookah Lounge (License ID # 20090003176) are hereby revoked; and

FINALLY RESOLVED, that said revocation shall take effect at 12:01 a.m. on January 22, 2012.

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