Legislation Details (With Text)

File #:	RES PH 17-66 **Version:** 1		
Type:	Resolution-Public Hearing	**Status:**	Passed
		In control:	City Council
		Final action:	3/1/2017

Title: Approving adverse action against all licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's located at 1182 University Avenue West in Saint Paul.

Sponsors: Russ Stark

Indexes:

Code sections:

Attachments: 1. Notice of Council Hearing with Affidavit of Service.pdf, 2. Uncontested License Matter form.pdf, 3. License Group Comments Text.pdf, 4. Signed License Condition Affidavit dated January 27th 2016.pdf, 5. Notice of Violation with Affidavit of Service dated July 1st 2015.pdf, 6. Email indicating payment of $500.00 penalty dated July 8th 2015.pdf, 7. Notice of Violation with Affidavit of Service dated July 8th 2016.pdf, 8. Signature copy of RES PH #16-270.pdf, 9. Original Offense Incident Report - CN #16-227-484 dated November 4th 2016.pdf, 10. Supplemental Offense Incident Report - CN #16-227-484 dated November 4th 2016.pdf, 11. Notice of Violation with Affidavit of Service dated November 29th 2016.pdf, 12. Letter from licensee's attorney requesting an administrative hearing dated December 9th 2016.pdf, 13. Email to Judge O'Reilly cancelling hearing due to settlement agreement dated January 27th 2017.pdf, 14. Letter and settlement agreement sent to licensee's attorney dated February 1st 2017.pdf, 15. Letter from licensee's attorney with signed settlement agreement dated February 7th 2017.pdf

Date	Ver.	Action By	Action	Result
3/2/2017	1	Mayor's Office	Signed	
3/1/2017	1	City Council	Adopted As Amended	Pass

Approving adverse action against all licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's located at 1182 University Avenue West in Saint Paul.

Amended 3-1-17

WHEREAS, all licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's (License ID# 0054523) for the premises located at 1182 University Avenue West in Saint Paul were the subject of a Notice of Violation dated November 29, 2016; and

WHEREAS, the Notice stated that the licensee failed to provide video surveillance to the Saint Paul Police Department concerning an assault that occurred on the licensed premises after a Smack Fest event held on November 4, 2016; and

WHEREAS, this was now the third violation within the past eighteen (18) months; therefore the licensing office recommended a $2,000.00 matrix penalty and a ten (10) day suspension of their licenses; and

WHEREAS, the licensee responded to the Notice of Violation through an attorney and requested an administrative hearing; and

WHEREAS, a prehearing conference was scheduled before Judge Ann O'Reilly on Monday, January 30, 2017 but was cancelled due to the fact that a settlement agreement was reached between the licensee and the

Department of Safety and Inspections; and

WHEREAS, the settlement agreement states the following:

1. Metro Bar & Grill, Inc., d/b/a Arnellia's admits to a violation of license condition #12 of their license which reads:

   "The license holder shall maintain 10 video surveillance cameras inside and outside the establishment. The video recording shall be kept by the license holder for at least thirty (30) days and shall be available for viewing by the Saint Paul Police Dept. immediately upon request. In addition, if the Saint Paul Police Dept. responds to a call at the licensed premises, and due to the serious nature of the crime, requests a copy of the surveillance footage be immediately provided, the license holder shall have technology available to make the copy at the time of the request and shall have it for the Police without delay. In other cases, fi the Saint Paul Police Dept. or the Dept. of Safety and Inspections requests copies of the surveillance tapes, licensee shall have a 48-hour period in which to provide such copies."

2. Metro Bar & Grill, Inc., d/b/a Arnellia's admits that the Saint Paul Police Department requested the video on November 8, 2016 in conjunction with an assault that had taken place on November 4, 2016 and that they were unable to provide the video within the required 48 hour period.

3. Metro Bar & Grill, Inc., d/b/a Arnellia's understands that this is the third (3rd) violation within the past eighteen (18) months; therefore, per Saint Paul Legislative Code §310.05 (m) (2), the licensing department was recommending a $2,000 matrix penalty and a ten (10) day suspension of the license.

4. As a proposed resolution of this matter, the City of Saint Paul had agreed to recommend that the dollar amount of the matrix penalty be reduced from $2,000 to $500 and allow Metro Bar & Grill, Inc., d/b/a Arnellia's to pick the starting date for the suspension period, that date being within 2 months of the council hearing.

5. Metro Bar & Grill, Inc., d/b/a Arnellia's understands that the payment of the matrix penalty combined with the 10 day suspension is considered a third violation under Saint Paul Legislative Code, §310.05.

6. Metro Bar & Grill, Inc., d/b/a Arnellia's and the City of Saint Paul agree that the pre-hearing conference be stricken and that there will be no administrative hearing in this matter.

WHEREAS, the licensee requested a public hearing which was scheduled March 1, 2017; and

WHEREAS, the licensee wished to admit to the violation but contest the manner of imposition of the ten (10) day license suspension; now, therefore, be it

RESOLVED, all licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's is hereby ordered to pay a $500.00 matrix penalty

Payment of such penalty shall be made within thirty (30) days of the date of the adoption of this resolution.

FURTHER RESOLVED, all licenses held by Metro Bar & Grill, Inc. d/b/a Arnellia's are hereby suspended for a period of ten (10) days for failure to provide video surveillance to the Saint Paul Police Department concerning an assault that occurred on the licensed premises after a Smack Fest event held on November 4, 2016.

~~Said suspension will begin at 12 (midnight) on Wednesday, March 22, 2017 and end at 11:59 p.m. on Friday, March 31, 2017.~~ Date of said suspension will begin within the next two (2) months. Starting date to be selected by the owners of Arnellia's and communicated to the Department of Safety and Inspections prior to

the start dated of such suspension.