



## Legislation Text

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**File #:** RES PH 12-164, **Version:** 1

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Memorializing City Council action taken on July 3, 2012 sustaining adverse licensing action against all licenses held by Vone X. Moua and Mee Lee Moua, d/b/a Malina's Sports Bar and Grill (License ID # 20010002326), 691 Dale Street.

WHEREAS, Vone X. Moua and Mee Lee Moua d/b/a Malina's Sports Bar and Grill, located at 691 Dale Street in the City of Saint Paul received a Notice of Violation dated March 20, 2012; and

WHEREAS, the Notice alleged that the licensee allowed "after hours sale, display and consumption of alcoholic beverages" in the licensee's establishment on November 15, 2011 in violation of St. Paul Legislative Code 409.07; and

WHEREAS, licensee is not permitted to sell, display and consume alcoholic beverages past 2 am; 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 May 21, 2012, at which time the licensee admitted to the violation; and

WHEREAS, the Administrative Law Judge issued Settlement Letter on May 24, 2012, in lieu of a Findings of Fact, Conclusions of Law, a Recommendation and a Memorandum; and

WHEREAS, the Administrative Law Judge accepted the licensee's admission and found that licensee committed the violation in the March 20, 2012 Notice of Violation; and

WHEREAS, as part of the settlement agreement, the licensee agreed to pay the cost of the Administrative Law Judge hearing and agreed to a license penalty of twelve (12) days suspension as consistent with the penalty matrix in Chapter 409.26 (b) (6) of the Legislative Code; and

WHEREAS, the licensee was given notice that a public hearing would be held before the City Council on July 3, 2012 at which time licensee would have an opportunity to present oral or written argument to the Council; and

WHEREAS, licensee appeared at the public hearing on July 3, 2012 and did not file any exceptions to the Settlement Letter of the Administrative Law Judge; and

WHEREAS, at a public hearing on July 3, 2012, RES PH #12-164, of the Council of the City of Saint Paul considered all the evidence contained in the record, the arguments of licensee at the public hearing, and the Administrative Law Judge's Settlement Letter; 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 Settlement Letter as referenced above, and the deliberations of the council in open session of that hearing; and be it

FURTHER RESOLVED, that the Settlement Letter 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 the license held by Vone X. Moua and Mee Lee Moua d/b/a Malina's Sports Bar and Grill (License ID # 20010002326) is assessed the cost of the Administrative Law Judge hearing and hereby suspended for twelve (12) days; and

FURTHER RESOLVED, said suspension will begin at 12:00 a.m. July 11, 2012 until 11:59 p.m. July 22, 2012.

FINALLY RESOLVED, that said costs shall be due and payable and take effect at 12:01 a.m. on July 11, 2012.

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