Legislation Text

File #: RES 12-1447, **Version:** 1

Lifting a stay in imposition of revocation, and revoking of all licenses held by Mazatlan, LLC, d/b/a Mazatlan (License #20070001948), 567 Stryker Avenue.

WHEREAS, on February 16, 2011, the Saint Paul City Council imposed a $1,000.00 fine on all licenses held by Mazatlan, LLC, d/b/a Mazatlan ("Respondent") based on Respondent's violation of terms of its liquor license (Resolution #11-297); and

WHEREAS, on October 5, 2011, the Saint Paul City Council revoked all licenses held by Respondent. The revocation was memorialized by Resolution
#11-2056, adopted October 19, 2011; and

WHEREAS, on November 15, 2011, Respondent filed a certiorari appeal with the Minnesota Court of Appeals and applied to City Council for a stay of imposition of revocation; and

WHEREAS, on November 16, 2011, City Council granted a stay of imposition of revocation (Resolution #11-2344) pursuant to Minnesota Rule of Civil Appellate Procedure 108.01; and

WHEREAS, within five months after receiving a stay of imposition of revocation from City Council, Respondent failed to maintain liquor liability insurance from April 22, 2012 to May 25, 2012, in violation of Minnesota Statutes section 340A.409 and Saint Paul Legislative Code section 409.065. On May 20, 2012, during a period of time when Respondent was operating without liquor liability insurance, Saint Paul Police officers observed several people consuming alcoholic beverages within the licensed premises. The officers also witnessed people exchanging money with the bartender to pay for the drinks; and

WHEREAS, a Notice of Intent to Lift Stay of Imposition and Notice of Intent to Revoke Licenses dated June 28, 2012, was served on Respondent at its last known address. Respondent failed to respond to the Notice or request a hearing before Council; and

WHEREAS, at its duly noticed public hearing conducted on July 25, 2012, the Council finds that Respondent violated the terms of its Stay of Imposition, violated Saint Paul Legislative Code section 409.065 for which the presumptive penalty is revocation of all licenses, and has three appearances within fourteen months for violations of the City's licensing code; and

WHEREAS, as of July 25, 2012, Respondent has failed to prosecute its appeal before the Minnesota Court of Appeals, in violation of the Court's March 21, 2012, Order.

WHEREAS, the Council found that Respondent poses a threat to public safety and is unlikely to comply with operating conditions or restrictions.

NOW, THEREFORE, BE IT RESOLVED, that the above stated reasons as well as all of the information contained in Resolution #11-2056 and the accompanying resolution which is incorporated by reference, demonstrate that no terms and conditions could be added to Respondent's licenses of that would adequately protect the health and safety of the City and it citizens; and be it

FINALLY RESOLVED, that the Saint Paul City Council hereby lifts the stay of imposition granted to Respondent and immediately revokes all licenses held by all licenses held by Mazatlan, LLC, d/b/a Mazatlan.